

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
3 COURT FILE NO.: 03-3295 ADM/AJB
4 - - -

5 PEGGY MARIE SCHMITT, :
6 Plaintiff, :
7 - vs - :
8 CHASE MANHATTAN BANK NA, :
9 Et al, :
10 Defendants. :
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Wednesday, September 22, 2004

TRANSCRIPT OF DEPOSITION OF SHIRLEY
HICKMAN, taken by and before Gina Pellecchia,
Professional Reporter and Notary Public, in
the Executive Suite Room of the Hilton
Philadelphia Airport, 4509 Island Avenue,
Philadelphia, Pennsylvania 19153, on the above
date, commencing at 2:10 p.m.

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1 that they're disputing now before?
 2 A. Yes.
 3 Q. What is that?
 4 A. If the account has been disputed
 5 using the same claim code, the system will
 6 notify me.
 7 Q. And if a different claim code is
 8 used, the system won't notify you, correct?
 9 A. Correct.
 10 Q. And there's only one claim code
 11 for deceased; is that right? We already
 12 talked about that?
 13 A. Yes.
 14 Q. And that was B7?
 15 A. Yes.
 16 Q. All right. What's A4?
 17 A. Joint liability, ex-spouse,
 18 business.
 19 Q. So that wouldn't have anything to
 20 do with deceased, correct?
 21 A. Correct.
 22 MR. HICKMAN: I'll object
 23 to those last two questions. Lack of
 24 foundation.

Page 23

1 BY MR. LYONS:
 2 Q. Now, in Priority Processing, you
 3 have the ability to lock a FIN number; is that
 4 correct?
 5 A. Yes.
 6 Q. Have you ever locked a FIN number
 7 before?
 8 A. Yes.
 9 Q. And what is the reason that you
 10 would lock a FIN number?
 11 A. If the consumer is an attorney or
 12 a consumer has an attorney writing to Trans
 13 Union.
 14 Q. Why is that important?
 15 A. That's the procedure.
 16 Q. Do you understand it?
 17 A. I'm not sure. You would have to
 18 ask Eileen Little.
 19 Q. But you, yourself, don't
 20 understand why you do that?
 21 A. Correct.
 22 Q. So the attorney writes a letter.
 23 The consumer that's disputing it isn't an
 24 attorney. The FIN gets locked. And then what

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1 happens? Why does the FIN get locked?
 2 MR. CENTO: I'm going to
 3 object to this line of questioning as
 4 lacking in foundation.
 5 THE WITNESS: Again, you
 6 would have to ask Eileen Little.
 7 BY MR. LYONS:
 8 Q. So you don't know why it's done?
 9 That's just procedure?
 10 A. Right.
 11 Q. When does the FIN get unlocked?
 12 A. If the consumer maintains
 13 activity with us and that file remains active,
 14 it does not get unlocked.
 15 Q. If a dispute is completed, does a
 16 FIN get unlocked?
 17 A. No.
 18 Q. So, for example, I write a letter
 19 on behalf of my client, Peggy Schmitt, saying
 20 she's not deceased. ACDV goes out to a
 21 creditor, and a response comes back. Does the
 22 FIN get locked or unlocked?
 23 MR. CENTO: Objection.
 24 Incomplete hypothetical. Calls for

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1 speculation. You can answer.
 2 THE WITNESS: It's locked
 3 when we open up the file, when we
 4 create the file.
 5 BY MR. LYONS:
 6 Q. And it doesn't get unlocked
 7 until -- that's the part I didn't understand.
 8 A. If the consumer doesn't have
 9 activity with us within a certain period of
 10 time, the file will archive. The next time
 11 they contact us, if it's not done, the
 12 consumer just contacts us, we wouldn't know
 13 that the thing was previously locked.
 14 Q. What's the effect of a FIN being
 15 locked?
 16 A. The Priority Processing would
 17 handle the dispute.
 18 Q. Does Trans Union's Priority
 19 Processing Department ever place a call to a
 20 consumer in investigating whether or not their
 21 claim that they're not dead is valid?
 22 A. No.
 23 Q. Why?
 24 A. I don't know why.

26

1 Q. Does that seem like a reasonable
2 thing to do to you personally?
3 A. I don't know. I mean, it's not
4 procedure to do that.
5 Q. And I understand that. You've
6 testified to that. But you personally, do you
7 think that's a reasonable thing to do?
8 A. No, I don't.
9 Q. Why?
10 A. Because how would I know that the
11 person I'm talking to is really the person
12 that wrote in?
13 Q. But you treat it as though the
14 person that wrote in is really the person,
15 right?
16 A. Yes.
17 Q. So I'm confused. That confuses
18 me. You take the letter to be real, correct?
19 A. Yes.
20 Q. Trans Union believes that when
21 someone writes in and says they're not dead,
22 that they're not dead, correct?
23 A. Right.
24 Q. Okay. But to pick up the phone

27

1 and call that same person, then they don't
2 believe it anymore? Is that what you're
3 telling me?
4 A. No. You asked --
5 MR. CENTO: Objection.
6 You're starting to get argumentative
7 with her. This is beyond the scope of
8 anything this witness is here to
9 testify about. Go ahead.
10 THE WITNESS: You asked
11 me what I believed.
12 BY MR. LYONS:
13 Q. Right.
14 A. Not what Trans Union --
15 Q. Right.
16 A. So it has -- I'm not here to talk
17 about what I believe.
18 Q. Actually you are here to talk
19 about what you believe. You're not designated
20 as a witness other than in your own individual
21 capacity today, which is different probably
22 than the times that you've testified before.
23 But you are here today to talk about you. So
24 I'd like to know why you think that.

28

1 A. Why I think what?
2 Q. Why you think that calling the
3 consumer when they're disputing that they're
4 not dead is unreasonable.
5 MR. LYONS: It's asked
6 and answered. You're just arguing
7 with her. Go ahead.
8 THE WITNESS: Because I
9 just do.
10 BY MR. LYONS:
11 Q. Does that school of thought seem
12 inconsistent, how Trans Union treats disputes
13 about people that are claiming they're not
14 deceased, with your belief about whether or
15 not people are deceased? Does that seem
16 inconsistent?
17 A. No.
18 Q. In Priority Processing, if a
19 consumer says that they're not deceased and
20 you send a CDV -- or an ACDV, do you receive
21 the response back from the -- you personally
22 receive the response back from the creditor?
23 A. No.
24 Q. Is that handled by another human

29

1 being in Priority Processing, or is that
2 handled by an automated system?
3 A. Automated system.
4 Q. Regardless, correct?
5 A. Correct.
6 Q. Do you know what the outcome of
7 the dispute is after you send the ACDV to the
8 furnisher?
9 MR. CENTO: Objection.
10 Lack of foundation, calls for
11 speculation. You can answer.
12 THE WITNESS: No.
13 BY MR. LYONS:
14 Q. I don't mean to mischaracterize
15 what you said before -- and you'll, I'm sure,
16 correct me if I do that -- but you said that
17 you initiate investigations; is that right?
18 A. Yes.
19 Q. Who completes them?
20 A. The system.
21 Q. No live human being?
22 A. No.
23 Q. Is there ever a case where you
24 are alerted -- you, in Priority Processing,

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1 so I make sure I understand it correctly.
 2 Q. On day one, the trade line is
 3 being disputed for, let's say, 30 days late.
 4 A. Okay.
 5 Q. On day 15, the same trade line is
 6 being disputed as "I'm not dead." What
 7 happens?
 8 MR. CENTO: Same
 9 objection.
 10 THE WITNESS: A second
 11 investigation would be initiated into
 12 the deceased.
 13 MR. LYONS: Let's go off
 14 the record a minute.
 15 - - -
 16 (Whereupon, a discussion was
 17 held off the record.)
 18 - - -
 19 BY MR. LYONS:
 20 Q. Can you take a look at deposition
 21 exhibit number two?
 22 A. Yes.
 23 Q. That should be that March 10th
 24 letter; is that right?

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1 A. Yes.
 2 Q. Is that your handwriting down the
 3 right-hand side?
 4 A. Yes.
 5 Q. Do you see where you put "OK" up
 6 near the first bullet point on the right-hand
 7 margin?
 8 A. Yes.
 9 Q. Do you know what you meant when
 10 you put "OK" there?
 11 A. No. I don't remember.
 12 Q. All right. Ms. Hickman, just so
 13 I'm clear, special comment compliance
 14 condition and/or remarks message disputed is
 15 coded as what?
 16 A. B7.
 17 Q. And if that dispute was twice
 18 sent regarding the same account, same trade
 19 line, you would be -- or the operator, Trans
 20 Union operator, would be notified of that?
 21 MR. CENTO: Objection.
 22 Lack of foundation, calls for
 23 speculation, incomplete hypothetical.
 24 You can answer.

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1 BY MR. LYONS:
 2 Q. Is that what you testified to?
 3 A. Yes.
 4 Q. Okay. But even with that
 5 notification, that doesn't set off any new
 6 procedure, correct?
 7 MR. CENTO: Same
 8 objection.
 9 THE WITNESS: Correct.
 10 BY MR. LYONS:
 11 Q. It doesn't cause any additional
 12 information to be sent to the furnisher,
 13 correct?
 14 MR. CENTO: Same
 15 objection.
 16 THE WITNESS: Correct.
 17 BY MR. LYONS:
 18 Q. And it doesn't cause Trans Union
 19 to conduct its investigation any differently?
 20 MR. CENTO: Same
 21 objection.
 22 THE WITNESS: Correct.
 23 BY MR. LYONS:
 24 Q. Do you have some kind of time

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1 limit in Priority Processing to handle
 2 disputes, a certain amount in an hour?
 3 A. Yes.
 4 Q. What's that criteria?
 5 A. I believe it's ten disputes per
 6 hour.
 7 Q. And therefore, roughly in that
 8 six-minute time frame -- am I right about
 9 that? You have an hour, but that's not
 10 including break time or anything else. They
 11 expect you to do ten in an hour?
 12 MR. CENTO: Objection.
 13 Lack of foundation.
 14 BY MR. LYONS:
 15 Q. Is that right?
 16 A. Yes.
 17 Q. So that's about six minutes per
 18 dispute, correct?
 19 A. Correct.
 20 Q. And in those six minutes, you
 21 have to read the dispute, process the dispute
 22 in your own mind, correct, figure out what it
 23 is?
 24 A. Correct.

<p style="text-align: right;">Page 42</p> <p>1 A. Those words?</p> <p>2 Q. Words to that effect saying, "I'm</p> <p>3 not dead. I'm really alive"?</p> <p>4 A. Yes.</p> <p>5 Q. How many times have you done that</p> <p>6 before?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you remember the specific</p> <p>9 occasion when you did that?</p> <p>10 A. No.</p> <p>11 Q. But you know you've done it</p> <p>12 before?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know if you've done it on</p> <p>15 more than one occasion?</p> <p>16 A. Yes.</p> <p>17 Q. On how many occasions do you</p> <p>18 believe you've done it?</p> <p>19 A. I don't know.</p> <p>20 Q. More than five?</p> <p>21 A. Yes.</p> <p>22 Q. More than ten?</p> <p>23 A. Yes.</p> <p>24 Q. More than 25?</p>	<p style="text-align: right;">Page 44</p> <p>1 consumer statement to say "I'm not dead" or</p> <p>2 words to that effect, does that trigger any</p> <p>3 additional communication from your department</p> <p>4 to the furnisher?</p> <p>5 MR. CENTO: Same</p> <p>6 objection.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. LYONS:</p> <p>9 Q. I may have asked you this. This</p> <p>10 is my last question. In Priority Processing,</p> <p>11 you do or do not have occasion to contact via</p> <p>12 the telephone the creditor?</p> <p>13 MR. CENTO: Same</p> <p>14 objection.</p> <p>15 THE WITNESS: I do.</p> <p>16 BY MR. LYONS:</p> <p>17 Q. And on what occasions do you</p> <p>18 contact the creditor?</p> <p>19 A. For clarification.</p> <p>20 Q. Clarification related to what?</p> <p>21 A. The disputed information.</p> <p>22 Q. How would that get to your</p> <p>23 attention that there was confusion?</p> <p>24 MR. CENTO: Same</p>
<p style="text-align: right;">Page 43</p> <p>1 A. No.</p> <p>2 Q. More than -- okay. Not more than</p> <p>3 25?</p> <p>4 A. No.</p> <p>5 Q. At that point when you're putting</p> <p>6 on a dispute statement that says that the</p> <p>7 person is not dead, does that trigger any</p> <p>8 additional communication between Trans Union</p> <p>9 and the furnisher of the deceased information?</p> <p>10 MR. CENTO: Objection.</p> <p>11 Vague, ambiguous, calls for</p> <p>12 speculation, lack of foundation. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: Can you</p> <p>15 rephrase your question, please?</p> <p>16 MR. LYONS: Court</p> <p>17 reporter, can you read back that</p> <p>18 question?</p> <p>19 THE WITNESS: I know what</p> <p>20 the question is. Can you rephrase it</p> <p>21 for me?</p> <p>22 BY MR. LYONS:</p> <p>23 Q. Sure. In the occasion where a</p> <p>24 consumer has asked you to update their</p>	<p style="text-align: right;">Page 45</p> <p>1 objections. I'm going to enter a</p> <p>2 continuing objection as to foundation,</p> <p>3 incomplete hypotheticals, call for</p> <p>4 speculation, are vague and ambiguous.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: Can you say</p> <p>7 the question again for me, please?</p> <p>8 MR. LYONS: Can you read</p> <p>9 it back?</p> <p>10 - - -</p> <p>11 (Whereupon, the court reporter</p> <p>12 read back the last question.)</p> <p>13 - - -</p> <p>14 THE WITNESS: If I was</p> <p>15 handling the file, and based on the</p> <p>16 creditor's response, I needed</p> <p>17 clarification.</p> <p>18 BY MR. LYONS:</p> <p>19 Q. I guess I'm confused by that.</p> <p>20 Under what circumstances is the creditor</p> <p>21 responding directly to you?</p> <p>22 A. They're not.</p> <p>23 Q. Then how are you notified of it?</p> <p>24 A. If I have to respond in writing</p>

<p style="text-align: right;">Page 46</p> <p>1 to an agency, an outside party, then I would</p> <p>2 have the information there in front of me.</p> <p>3 Q. An agency or an outside party,</p> <p>4 what does that mean?</p> <p>5 A. If the consumer has filed a</p> <p>6 complaint with the Attorney General, Better</p> <p>7 Business Bureau, that's an outside agency.</p> <p>8 Q. In those circumstances then, does</p> <p>9 it automatically come back to you?</p> <p>10 A. Does what?</p> <p>11 Q. Does the response from the</p> <p>12 creditor automatically come back to you?</p> <p>13 A. No.</p> <p>14 Q. Then I'm confused. And I'm</p> <p>15 sorry. There are occasions when the</p> <p>16 creditor's response comes back to you. That's</p> <p>17 what you testified to, correct?</p> <p>18 A. I don't believe I ever said it</p> <p>19 came back to me.</p> <p>20 Q. Well, how does it come to be that</p> <p>21 you're telephoning the creditor?</p> <p>22 A. If the consumer has contacted an</p> <p>23 outside agency and I have to respond in</p> <p>24 writing back to that agency, I am reviewing</p>	<p style="text-align: right;">Page 48</p> <p>1 you have the ability to make a telephone call,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. And that's different -- or is it</p> <p>5 different, I guess, is what I'm asking</p> <p>6 you -- than when an attorney writes a letter</p> <p>7 to Trans Union's Priority Processing</p> <p>8 Department on behalf of the consumer?</p> <p>9 A. It is different.</p> <p>10 Q. Why?</p> <p>11 A. You would have to ask Eileen</p> <p>12 Little.</p> <p>13 Q. Okay. But there is a difference</p> <p>14 in how that's handled, correct?</p> <p>15 A. Correct.</p> <p>16 MR. LYONS: Thank you.</p> <p>17 That's all the questions I have.</p> <p>18 MR. CENTO: Anyone on the</p> <p>19 phone have any questions?</p> <p>20 MR. MENGILLIS: No</p> <p>21 questions.</p> <p>22 MR. SPRAIN: CSC has no</p> <p>23 questions.</p> <p>24 - - -</p>
<p style="text-align: right;">Page 47</p> <p>1 the history. If I need clarification from the</p> <p>2 creditor, I can pick up the phone and call</p> <p>3 them.</p> <p>4 Q. Okay. What triggers you writing</p> <p>5 a response back to this third party or back to</p> <p>6 the agency?</p> <p>7 A. Because the consumer filed a</p> <p>8 complaint with them.</p> <p>9 Q. But that would happen every time,</p> <p>10 right, or not necessarily?</p> <p>11 A. (No response.)</p> <p>12 Q. Every time a consumer writes to</p> <p>13 an Attorney General and the Attorney General</p> <p>14 writes to Trans Union on the consumer's</p> <p>15 behalf, are you required to write a response</p> <p>16 back?</p> <p>17 A. Yes.</p> <p>18 Q. So in every one of those</p> <p>19 situations, a request goes out to the</p> <p>20 furnisher from Priority Processing</p> <p>21 investigating, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And if something comes back that</p> <p>24 doesn't make sense to you or is inconsistent,</p>	<p style="text-align: right;">Page 49</p> <p>1 (Whereupon, the witness was</p> <p>2 excused.)</p> <p>3 - - -</p> <p>4 (Whereupon, the deposition</p> <p>5 concluded at 3:00 p.m.)</p> <p>6 - - -</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
3 COURT FILE NO.:03-3295 ADM/AJB

4 PEGGY MARIE SCHMITT,
5 Plaintiff,

6
7 V

8 CHASE MANHATTAN BANK NA; SAKS INCORPORATED d/b/a
9 HERBERGER'S; BANK ONE CORPORATION a/k/a FIRST
10 USA BANK, N.A.; TRANS UNION, L.L.C.; EXPERIAN
11 INFORMATION SOLUTIONS INC.; CSC CREDIT SERVICES, INC.;
EQUIFAX, INC. d/b/a EQUIFAX INFORMATION SERVICES INC.;
CBC COMPANIES d/b/a CREDIT BUREAU OF SIOUX FALLS,
INC.; and FACTUAL DATA CORP.,

12 Defendants.
13
14

15 Oral deposition of EILEEN

16 LITTLE, taken at the offices of Trans
17 Union, L.L.C., 2 Baldwin Place, 1510
18 Chester Pike, Crum Lynne, Pennsylvania,
19 on Thursday, June 24, 2004, commencing
20 at approximately 9:33 a.m., before
21 Joanne Rose, a Registered Professional
22 Reporter and Notary Public, pursuant to
23 notice.
24

<p style="text-align: right;">Page 50</p> <p>1 consumer. It's an ACDV report. 2 Q. Like the number of ACDVs that were 3 sent to this subscriber? 4 A. No. I don't know what's on the 5 report. 6 Q. Okay. So are you familiar with 7 what the purpose of that number is? 8 A. No. 9 Q. But you believe it has to do with 10 a separate report? 11 A. Yes. It's nothing to do with this 12 consumer. 13 Q. It has something to do with the 14 ACDV process? 15 A. As I said, I don't know. 16 Q. Okay. Over to the right it says, 17 "Date: 1-11-03." What does that mean? 18 A. From looking at that and then 19 going back to the TU168, that's the date 20 we received this verification back. 21 Q. Okay. And the "Page: 1459," what 22 does that mean? 23 A. That's probably -- I don't know 24 how -- I don't know. That's a system</p>	<p style="text-align: right;">Page 52</p> <p>1 how to complete the ACDV/CDV, you know, 2 going from a paper environment to an 3 automated environment, how to switch 4 over, she would be able to help them 5 with that. 6 Q. Okay. Now, if you go down a 7 little bit more, you'll see on the left- 8 hand side it says, "Subscriber Response 9 Date: 1-10-03." What does that mean? 10 A. We're asking the creditor to 11 respond by that date. 12 Q. By 1-10-03? 13 A. Yes. 14 Q. And then below that it says, "To 15 comply with F.C.R.A. a response is 16 required by 1-7-03." What does that 17 mean? 18 A. I think the F.C.R.A. states that 19 the creditor has five days to respond 20 once they get our notification. That's 21 probably what generates that date. 22 Q. So the F.C.R.A. requires them to 23 respond by 1-7 of '03 but Trans Union 24 says they need to respond by 1-10 of</p>
<p style="text-align: right;">Page 51</p> <p>1 question. I really don't know that. 2 Q. And if you wanted to know the 3 answer to that question, who would you 4 ask? 5 A. Kim Bye. 6 Q. And where does Kim work? 7 A. In Crum Lynne. 8 Q. In what division? 9 A. She's the ACDV/CDV liaison. 10 Q. Okay. Does she work underneath 11 you or in a separate division 12 altogether? 13 A. She reports to me. 14 Q. And what are her job 15 responsibilities? 16 A. She works between Trans Union and 17 the subscribers on ACDV/CDV problems. 18 She sets up their mailboxes, whatever. 19 She handles the subscribers. 20 Q. What kind of problems does she 21 handle? 22 A. If for some reason a creditor 23 can't get into their mailbox; I don't 24 know. I mean, if they have questions on</p>	<p style="text-align: right;">Page 53</p> <p>1 '03? 2 A. That's what -- yeah. 3 Q. If you look over to the right, 4 you'll see "Date Received: 12-26-02." 5 What does that mean? 6 A. That's the date we received the 7 consumer's letter. 8 Q. And the "Date Entered: 12-31-02," 9 what does that mean? 10 A. That's the date we process the 11 letter. 12 Q. And what does process mean? 13 A. Generated the CDV's verification, 14 opened the dispute. 15 Q. And does that date jive with 16 what's contained in TU168? 17 A. Yes, it does. 18 Q. Where do you see 12-31 in 19 Deposition Exhibit Number 2 on page 20 TU168? 21 A. Well, it says, "12-30-02." 22 Q. Right. That's a different date 23 than the date that appears on Exhibit 6; 24 correct?</p>

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1 A. Yeah. But, if you let me finish,
 2 once you print this, it will print the
 3 next day.
 4 Q. Okay.
 5 A. So that's why it's 12-31.
 6 Q. So it always prints the next day?
 7 A. Right.
 8 Q. Now, back to this compliance with
 9 F.C.R.A. and a response is required by
 10 January 7th of '03. Does the
 11 operator -- does the dispute operator
 12 calculate that time or is that done
 13 automatically?
 14 A. The system does that.
 15 Q. Now, on the left, down a little
 16 ways it says, "consumer states
 17 comments." Do you see that?
 18 A. Yes.
 19 Q. And right above that is a phone
 20 number. Do you see that?
 21 A. Yes.
 22 Q. Did Trans Union have Peggy
 23 Schmitt's phone number?
 24 A. That's what was on her credit

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1 report when we pulled it.
 2 Q. Okay. And so if Trans Union
 3 wanted to, they could have called Peggy
 4 Schmitt; is that correct? They had her
 5 telephone information?
 6 A. If they felt there was a need,
 7 they could have called her, yes.
 8 Q. So if they wanted to call and find
 9 out if she was actually closing any time
 10 in the near future on her mortgage
 11 refinance that she had already told them
 12 she couldn't get because she was being
 13 reported as deceased, they had her
 14 number to call her; is that correct?
 15 A. Is that her telephone number?
 16 Q. You tell me. It's Trans Union's
 17 data.
 18 A. But Trans Union didn't put it
 19 there. One of her creditors put it
 20 there. I mean, I don't know if that's
 21 her correct telephone number. I mean,
 22 she didn't dispute it so I can only
 23 assume that it is.
 24 Q. Okay. So what you're telling me

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1 is that information is received from
 2 creditors; right?
 3 A. Yes.
 4 Q. And that information is correct;
 5 right?
 6 A. I don't know. Is it correct? I
 7 don't know what her telephone number is.
 8 Q. Maybe I'm misunderstanding. The
 9 information that you get from creditors
 10 is assumed to be accurate; isn't that
 11 true?
 12 A. That's correct.
 13 Q. Okay. So, as far as you know, as
 14 far as Trans Union knows, that number is
 15 correct for Peggy Schmitt?
 16 A. Well, that's what I said. I'd
 17 have to assume that's correct, yes.
 18 Q. Okay. Now, below that telephone
 19 number is the "consumer states
 20 comments." And what does that mean?
 21 A. That's the information we're
 22 giving to First USA as to why the
 23 consumer is disputing this account.
 24 Q. So is this where there gets to be

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1 some kind of a coding of what the
 2 dispute is?
 3 A. Yes.
 4 Q. Okay. Before I thought you said
 5 that there wasn't any coding of the
 6 dispute but that's not accurate, is it?
 7 There is coding of what her dispute was?
 8 MR. CENTO: Objection;
 9 mischaracterizes the witness's prior
 10 testimony. You can answer.
 11 THE WITNESS: Correct. See,
 12 you're talking about two different
 13 things. The claim code is a code that
 14 would go into the system and generate
 15 that text back to the subscriber.
 16 BY MR. LYONS:
 17 Q. And that's right where it says
 18 "consumer states"; right? That's where
 19 a code is entered?
 20 A. Yes.
 21 Q. And that's a numeric code;
 22 correct?
 23 A. Well, it's alpha and numeric.
 24 Q. And do you know what the

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1 alphanumeric code is that would generate
 2 "special comment, compliance condition
 3 and/or remarks message disputed"?
 4 A. I don't know all of them. I
 5 believe it's A4.
 6 Q. A4? "A" as in apple?
 7 A. Yes.
 8 Q. Now, is there a code, alphanumeric
 9 code, or any other kind of code for
 10 consumer claims they're not deceased?
 11 A. No.
 12 Q. But you've seen that dispute
 13 before, have you not?
 14 A. Consumer not deceased?
 15 Q. Yeah. Peggy Schmitt wasn't the
 16 first time you had ever seen somebody
 17 complain about being reported deceased
 18 by Trans Union; right?
 19 A. Correct.
 20 Q. Now, does Trans Union send to, in
 21 this case, First USA Bank a copy of
 22 Deposition Exhibit 3, Ms. Schmitt's
 23 dispute letter?
 24 A. No, we do not.

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1 Q. And why is that?
 2 A. We don't need to based on how
 3 we're handling -- putting in the
 4 comments. We're telling them what she's
 5 disputing. They don't need to see this
 6 letter. I mean, the letter doesn't
 7 state anything different than what we're
 8 telling them.
 9 Q. But it doesn't say anything about
 10 the fact that she says that there's been
 11 no verification of a death certificate
 12 and it doesn't show that she believes
 13 she's being mistaken for another woman.
 14 Do you see that on Deposition Exhibit
 15 Number 3?
 16 A. Right.
 17 Q. And it doesn't say anything about
 18 the fact that she's being unable to
 19 refinance for a mortgage, does it?
 20 A. No.
 21 Q. So is it standard operating
 22 procedure for Trans Union not to send
 23 the consumer's letters to the furnishers
 24 in the ACDV process?

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1 A. Yes, it is.
 2 Q. And the reason for that is why?
 3 MR. CENTO: Objection; asked
 4 and answered.
 5 THE WITNESS: I don't believe
 6 there's a need for that. I mean, I
 7 don't think the creditor knowing that
 8 information is going to do anything
 9 different. They have to go back and
 10 provide us with the information. It's
 11 not going to change their response
 12 because they know she is unable to
 13 obtain refinancing.
 14 BY MR. LYONS:
 15 Q. Does Trans Union indicate to the
 16 furnisher when it's handled by priority
 17 processing that it is being handled by
 18 priority processing as opposed to the
 19 dispute operators?
 20 A. No.
 21 Q. Why?
 22 A. It doesn't matter what type of
 23 dispute it is. They have to respond
 24 with the information.

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1 Q. But don't you think the furnisher
 2 would want to know that the dispute was
 3 from a lawyer or from the Attorney
 4 General or someone else?
 5 A. No. I think they have an
 6 obligation to respond with the accurate
 7 information. It doesn't matter who sent
 8 the dispute in.
 9 Q. Well, Trans Union treats the
 10 dispute differently if it comes from
 11 those sources that I just mentioned;
 12 right?
 13 A. As a courtesy to the consumer,
 14 yes, we do.
 15 Q. Okay. And don't you think that
 16 maybe the furnisher would like to
 17 provide the consumer the same courtesy
 18 that Trans Union is allegedly providing
 19 them?
 20 A. But is it going to change their
 21 answer? Is it going to change their
 22 response?
 23 Q. I don't know. Is it going to
 24 change the way Trans Union handles it?

16 (Pages 58 to 61)

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<p style="text-align: right;">Page 62</p> <p>1 A. No.</p> <p>2 Q. Okay. So you believe that the</p> <p>3 "consumer states comments" accurately</p> <p>4 reflected that Peggy Schmitt was</p> <p>5 claiming she wasn't dead?</p> <p>6 A. Yes. We also have another message</p> <p>7 saying "Consumer message: not</p> <p>8 deceased."</p> <p>9 Q. And that appears down in the</p> <p>10 middle of the page; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. Now, is that something that Trans</p> <p>13 Union fills in?</p> <p>14 A. Yes, it is.</p> <p>15 Q. All right. And what's that field</p> <p>16 for?</p> <p>17 A. Generating additional dispute</p> <p>18 information.</p> <p>19 Q. So that's providing a little bit</p> <p>20 more information than what was provided</p> <p>21 up in the code information up above; is</p> <p>22 that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And is that discretionary, whether</p>	<p style="text-align: right;">Page 64</p> <p>1 source that would have information about</p> <p>2 consumers being deceased?</p> <p>3 A. No.</p> <p>4 Q. Are you aware of any free Internet</p> <p>5 web site that provides information about</p> <p>6 persons being deceased?</p> <p>7 A. No, I'm not.</p> <p>8 Q. Did Trans Union in any way attempt</p> <p>9 to contact Peggy Schmitt to find out</p> <p>10 more information about why she believes</p> <p>11 she wasn't dead?</p> <p>12 MR. CENTO: Objection; asked</p> <p>13 and answered. Go ahead.</p> <p>14 THE WITNESS: No, we did not.</p> <p>15 BY MR. LYONS:</p> <p>16 Q. And that is standard operating</p> <p>17 procedure, not to call the consumer and</p> <p>18 find out whether or not they're</p> <p>19 deceased; correct?</p> <p>20 MR. CENTO: Same objection.</p> <p>21 THE WITNESS: Well, if she</p> <p>22 sent us a letter, we know she's not</p> <p>23 deceased.</p> <p>24 BY MR. LYONS:</p>
<p style="text-align: right;">Page 63</p> <p>1 or not the operator fills in the</p> <p>2 consumer message?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And is there any type of</p> <p>5 instruction or requirement that on a</p> <p>6 deceased dispute that that information</p> <p>7 is filled in?</p> <p>8 A. I don't believe so, no.</p> <p>9 Q. Now, what investigation did Trans</p> <p>10 Union undertake in December of 2002 in</p> <p>11 response to Ms. Schmitt's dispute in</p> <p>12 Deposition Exhibit Number 3?</p> <p>13 A. We sent the verification forms to</p> <p>14 First USA and Saks.</p> <p>15 Q. And other than those actions of</p> <p>16 filling out these forms and</p> <p>17 electronically sending them to the two</p> <p>18 furnishers, did Trans Union perform any</p> <p>19 other investigation?</p> <p>20 A. No.</p> <p>21 Q. Did they call the Social Security</p> <p>22 Administration?</p> <p>23 A. No.</p> <p>24 Q. Did they go to any free Internet</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. And does Trans Union</p> <p>2 believe she's not deceased?</p> <p>3 A. Yes.</p> <p>4 Q. So Trans Union didn't require any</p> <p>5 additional proof from Peggy Schmitt that</p> <p>6 she was not dead; correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. Now, the process with</p> <p>9 regard to the ACDV, specifically with</p> <p>10 Deposition Exhibit Number 6, is this is</p> <p>11 going to be sent out to First USA Bank</p> <p>12 electronically; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then some electronic response</p> <p>15 is going to come back; correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. But it's my</p> <p>18 understanding -- and I think you</p> <p>19 testified to it before but just so the</p> <p>20 record is clear, let's make sure we're</p> <p>21 both on the same page. When that</p> <p>22 information comes back from First USA</p> <p>23 Bank, nobody from Trans Union is going</p> <p>24 to look at it; is that correct?</p>

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1 A. That's correct.
 2 Q. It's going to go automatically
 3 into the system?
 4 A. Correct.
 5 Q. So if First USA puts or responds
 6 in such a way that doesn't make any
 7 sense to Trans Union, how is Trans Union
 8 going to be able to stop that
 9 information from going back on Peggy
 10 Schmitt's report?
 11 MR. CENTO: Objection; vague;
 12 ambiguous.
 13 THE WITNESS: Well, if it's
 14 something that's illogical, then the
 15 system won't accept it. That ACDV will
 16 fail and then an operator will have to
 17 look at it.
 18 BY MR. LYONS:
 19 Q. Okay. And even at the dispute
 20 operator level?
 21 A. Yes.
 22 Q. So in this case, if it came back
 23 with information that Peggy Schmitt, the
 24 same Peggy Schmitt that you just

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1 testified that Trans Union believed was
 2 alive, if it came back deceased, would
 3 the system catch that?
 4 A. Can you say that again?
 5 Q. Sure. Would the system catch --
 6 you've just testified that you
 7 understood that Peggy Schmitt was alive.
 8 A. Correct.
 9 Q. Okay? If First USA Bank replies
 10 to this ACDV and verifies that Peggy
 11 Schmitt is dead, does the system
 12 automatically catch that?
 13 MR. CENTO: Objection;
 14 incomplete hypothetical. Go ahead.
 15 THE WITNESS: Well, they're
 16 not saying that she's dead. They're
 17 saying that someone associated with the
 18 account. The account history states
 19 that it has a deceased status. They're
 20 only reporting the status of the
 21 account, not the consumer.
 22 BY MR. LYONS:
 23 Q. Okay. I think I lost you on
 24 that. Hold on one second. If we go

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1 back to Deposition Exhibit Number 4 and
 2 we look at what, for example, Saks or,
 3 for that matter, First USA Bank
 4 reported, it doesn't say anything about
 5 the account being reported as deceased.
 6 It actually says, "consumer deceased";
 7 right?
 8 A. Well, it's part of the account
 9 history.
 10 Q. Yeah, but it doesn't say as part
 11 of the account history. It just says,
 12 "consumer deceased." Do you see that?
 13 A. Yes.
 14 Q. And that field where it says
 15 "consumer deceased," what's that field
 16 that it's in right there?
 17 A. The comment field.
 18 Q. The "special comment" field?
 19 A. Right.
 20 Q. Where is the ECOA field?
 21 A. It doesn't show on that report but
 22 they're not reporting an ECOA. What
 23 they're reporting is an X in the ECOA
 24 field.

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1 Q. Which would normally indicate
 2 whether or not this is an individual
 3 account, a joint account, an authorized
 4 user, etc.; correct?
 5 A. Correct.
 6 Q. So how does Trans Union know
 7 whether or not the consumer deceased
 8 information is related to Peggy Schmitt
 9 or somebody else?
 10 A. I don't know that. All I know is
 11 that it's referencing that account
 12 number, that account, not that consumer.
 13 Q. But Trans Union is putting this
 14 information on Peggy Schmitt's Trans
 15 Union file, isn't it?
 16 A. Because that's the way the
 17 creditor is reporting it, yes.
 18 Q. Yeah. But the creditor doesn't
 19 tell Trans Union how to report
 20 information. Trans Union controls its
 21 own file, doesn't it?
 22 A. But they're reporting this account
 23 history. What they're reporting is the
 24 account history, and the deceased

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1 comment is part of the account history.
 2 Q. But does Trans Union's system
 3 catch -- I can't remember what the word
 4 was that you used. What happens if
 5 there's inconsistencies? Does the
 6 system fail? No. The ACDV fails; is
 7 that right?
 8 A. Correct.
 9 Q. The ACDV fails if there's
 10 inconsistent information; correct?
 11 A. Correct.
 12 Q. Would you agree with me that if
 13 First USA Bank reports back that this
 14 account is being reported as deceased
 15 regarding Peggy Marie Schmitt, that
 16 that's got to be inconsistent with what
 17 Trans Union already recognized as being
 18 truthful?
 19 A. No; because they have the account
 20 history.
 21 Q. Right. But Trans Union has the
 22 letter and has the belief that Peggy
 23 Marie Schmitt is alive; right? We
 24 already went through that.

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1 A. Right.
 2 Q. Okay. So if Trans Union thinks
 3 she's alive --
 4 MR. CENTO: Let her answer.
 5 Let her answer.
 6 MR. LYONS: Oh, okay. I'm
 7 sorry. I didn't realize she wasn't
 8 done.
 9 THE WITNESS: But this
 10 account information is owned by First
 11 USA Bank. They're reporting their
 12 account history.
 13 MR. CENTO: I want to enter
 14 an objection. This is slightly beyond
 15 the scope. We're getting beyond the
 16 scope of the designations. She is not
 17 an expert on ACDV processing. She can
 18 testify about how this ACDV was
 19 processed, but she is not the person
 20 most knowledgeable about every aspect of
 21 ACDV processing.
 22 MR. LYONS: Okay. And that
 23 would be --
 24 BY MR. LYONS:

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1 Q. Ms. Little, should I talk to Kim
 2 Bye about that?
 3 A. I would, yes.
 4 Q. If you wanted to answer these
 5 questions, you'd feel better if you had
 6 Kim Bye next to you to answer those
 7 questions; is that correct?
 8 A. Correct.
 9 Q. Okay. Well, you see what my point
 10 is, is that if Trans Union believes that
 11 she's alive and an ACDV comes back
 12 saying that the account that she's
 13 associated with is reporting her as
 14 deceased, that should give somebody or
 15 something at Trans Union pause to say,
 16 well, wait a minute, that's not what we
 17 have; right?
 18 A. No, I don't believe that.
 19 Q. You don't think that's reasonable?
 20 A. No.
 21 Q. Well, why do you not believe
 22 that's reasonable?
 23 A. Because I don't know the history
 24 of the account.

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1 Q. Okay. What kind of history of
 2 account would Trans Union -- would you
 3 like to know?
 4 A. I'd want to know who else was on
 5 the account and why is First USA
 6 reporting it as deceased. I mean, they
 7 must have a record or death certificate
 8 or something of the second party on this
 9 account as being deceased.
 10 Q. Okay. If, in fact, there was a
 11 second party; right? I mean, you don't
 12 even know whether or not this was a
 13 joint account or if this was always an
 14 individual account; right?
 15 A. Correct.
 16 Q. But Trans Union maintains records
 17 concerning that; right? Because that's
 18 what the archives or snapshots are;
 19 right?
 20 A. Correct.
 21 Q. So somebody in consumer relations
 22 and certainly the dispute operator could
 23 go and look up this information that you
 24 are talking about right now?

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1 A. No, they could not.
 2 Q. Why is that?
 3 A. Because they don't have access to
 4 snapshots. We have to go through our
 5 corporate office to get that.
 6 Q. Okay.
 7 A. So it's not a tool that the
 8 operators can use.
 9 Q. Okay. Does priority processing
 10 have access to that?
 11 A. They can only order it upon our
 12 attorney's request.
 13 Q. But priority processing can do
 14 that; correct?
 15 A. Correct; but not at their
 16 discretion. It has to be a direction
 17 from one of our attorneys.
 18 Q. But if they bring it up, if
 19 priority processing recognizes it and
 20 asks for that, there's a process for
 21 that to be responded to, I'm assuming?
 22 A. Yes.
 23 Q. Okay.
 24 MR. RAWLIN: Tom?

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1 Q. From what?
 2 A. "X."
 3 Q. And "X" is the deceased code; is
 4 that right?
 5 A. Correct.
 6 Q. And "I" means what?
 7 A. Individual.
 8 Q. So this would mean that the
 9 account was an individual account
 10 related only to Peggy Schmitt; correct?
 11 A. Correct.
 12 Q. So it wasn't a joint account
 13 apparently?
 14 A. Not at this time, no.
 15 Q. And then below the consumer
 16 message that we looked at before it
 17 says, "authorized phone number and
 18 name." Do you see that?
 19 A. Yes.
 20 Q. And that's the agent and the
 21 telephone number for the First USA Bank
 22 representative that completed the ACDV
 23 on their side. Is that your
 24 understanding?

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1 MR. LYONS: Yes.
 2 MR. RAWLIN: This is Dustin.
 3 We've been going for about an hour and
 4 20 minutes. Can we take a five-minute
 5 break? I don't want to interrupt you if
 6 you're in a line of questioning.
 7 MR. CENTO: Actually, I need
 8 a break, too.
 9 MR. LYONS: Okay. Let's all
 10 take a break. Let's come back in five
 11 minutes.
 12 MR. CENTO: All right.
 13 (A break was taken from
 14 10:42 a.m. to 10:52 a.m.)
 15 BY MR. LYONS:
 16 Q. Ms. Little, in looking at
 17 Deposition Exhibit Number 6, can you
 18 tell how or in what manner First USA
 19 Bank responded to Trans Union's ACDV?
 20 A. Yes.
 21 Q. And how did they respond to it?
 22 A. They requested that we change the
 23 balance from 1500 to 338 and also to
 24 change the ECOA to an "I."

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1 A. Yes.
 2 Q. And that information is given in
 3 case Trans Union needs to call them; is
 4 that right?
 5 A. Well, it's an information field
 6 that if we ever had to go back, we would
 7 have a name as to who authorized those
 8 changes.
 9 Q. Okay. So it's not necessarily for
 10 further investigation. It's to go back
 11 and find out who did it?
 12 A. Yes.
 13 Q. Now, the response code that was
 14 entered by Bank of America or by First
 15 USA Bank was 02; is that right?
 16 A. Yes.
 17 Q. And that means modify account
 18 information as indicated, as it appears
 19 on Exhibit 6?
 20 A. Yes.
 21 Q. The information that was also
 22 looked to be changed was "MIN10." What
 23 does that mean, if you know?
 24 A. It's the terms of the account,

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1 minimum payment \$10.
 2 Q. Okay. And that was changed from
 3 minimum payment of \$31?
 4 A. Yes.
 5 Q. Now, down below the dotted line,
 6 the second dotted line, is some other
 7 information. What fields are these?
 8 A. These are fields that state what
 9 information was reported back by the
 10 creditor.
 11 Q. Okay. So the top line shows what
 12 was sent?
 13 A. Right.
 14 Q. And the bottom line shows what was
 15 received?
 16 A. Right.
 17 Q. Okay. So the "sent" line is sent
 18 by whom?
 19 A. It's what Trans Union is sending
 20 them.
 21 Q. And then the bottom line is what's
 22 received back from the furnisher?
 23 A. Yes.
 24 Q. So "account status 11," what does

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1 that mean?
 2 A. It's how the account was being
 3 reported at the time when we generated
 4 the CDV or ACDV.
 5 Q. And what's the "11" stand for?
 6 A. I don't know off the top of my
 7 head.
 8 Q. Is that some kind of a code?
 9 A. Yes, it is.
 10 Q. All right. And the "MOP 01," what
 11 does that mean?
 12 A. That's the manner of payment.
 13 Q. That's whether they're paying on
 14 time or late or charged off or something
 15 like that?
 16 A. Correct.
 17 Q. And that's from 01 to 09?
 18 A. Yes.
 19 Q. 09 being the worst?
 20 A. Yes.
 21 Q. The "remarks" code then, that
 22 field says "DEC." Does that stand for
 23 deceased?
 24 A. Yes, it does.

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1 Q. So Trans Union was sending
 2 information on the sent line to First
 3 USA Bank and then the information they
 4 received back was on the line below;
 5 correct?
 6 A. Yes.
 7 Q. So in the "received" under
 8 "account status" there's no information
 9 received back; is that correct?
 10 A. Correct.
 11 Q. What does that mean?
 12 A. Nothing. I mean, it's blank.
 13 Q. What's the significance, I guess,
 14 is what I'm asking you.
 15 A. None.
 16 Q. So does that mean it doesn't
 17 change or it stays the same?
 18 A. Right. They're not changing
 19 anything as far as the account status.
 20 Q. Okay. And then when we get down
 21 to the MOP code, that didn't change;
 22 correct?
 23 A. Correct.
 24 Q. And the "remarks" code on the

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1 deceased didn't change; is that right?
 2 A. Correct.
 3 Q. So they changed the ECOA code but
 4 they didn't change the "remarks" code?
 5 A. Exactly.
 6 Q. And which code is superior or
 7 which code drives the consumer deceased
 8 indicator?
 9 A. The ECOA code drives the comments,
 10 but they're independent of each other as
 11 well.
 12 Q. All right. So let me just make
 13 sure I understand that. The ECOA code
 14 that we see in the top above the dotted
 15 line, above the first dotted line drives
 16 the "DEC-deceased" special comment; is
 17 that right?
 18 A. Correct.
 19 Q. And then below where we see
 20 "change data as shown," when they mark
 21 it as an "I," when First USA Bank marks
 22 it as an "I," then there wouldn't be
 23 that "DEC-deceased" code; correct?
 24 A. No, that's not correct.

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1 Q. All right. That's where I'm
2 getting confused. Can you help me out?
3 A. Well, they didn't indicate to
4 change that field.
5 Q. So the "I" in and of itself under
6 ECOA doesn't automatically delete that
7 "deceased" special comment?
8 A. That's correct.
9 Q. Okay. So in order to delete that
10 "special comment," that has to be done,
11 what, manually by them?
12 A. They have to overlay it with
13 another comment.
14 Q. What kind of comment?
15 A. Closed, a generic comment for that
16 field.
17 Q. So they have to enter something
18 into that field or else the deceased is
19 going to come back on?
20 A. Yes.
21 Q. Now, your counsel may object to
22 this question and, if he does, then I'll
23 stand by, but are you qualified to talk
24 about why the system wouldn't catch that

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1 what appears to be contradictory
2 information?
3 MR. CENTO: You have my
4 objection. That's beyond the scope of
5 her knowledge.
6 MR. LYONS: And, Counsel, who
7 would better be able to address that
8 question?
9 MR. CENTO: (No response.)
10 MR. LYONS: Is it
11 Ms. Romanowski or is it Mr. Stockdale?
12 MR. CENTO: You know, it
13 might be Stockdale. It also might be
14 someone like a Kim Bye.
15 MR. LYONS: Okay. Fair
16 enough.
17 BY MR. LYONS:
18 Q. Ms. Little, is it your testimony
19 that as a result of the ECOA indicator
20 changing from "X" to "I," that First USA
21 Bank was reporting this as an individual
22 account as opposed to a deceased
23 account; is that correct?
24 A. Correct.

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1 Q. But because they didn't fill in
2 the "special comment" code or field with
3 something, anything, the deceased got
4 put back on there. Is that your
5 testimony?
6 A. At what time did it get put back
7 on there?
8 Q. Right now, right as we're looking
9 at this thing right here on Exhibit 6.
10 Because there was nothing placed in that
11 "special comment" field, then the
12 deceased indicator went back on the --
13 A. Yes.
14 Q. -- report?
15 A. Yes.
16 Q. Now, do you believe that's the
17 fault of First USA Bank?
18 A. Well, yes. They didn't
19 override -- they didn't tell us what to
20 put in that field.
21 Q. But you do recognize that First
22 USA Bank had attempted to change the
23 indicator from deceased to alive? Do
24 you recognize that, Ms. Little?

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1 MR. CENTO: Objection; vague;
2 ambiguous.
3 THE WITNESS: Yes. I mean,
4 they changed the ECOA.
5 BY MR. LYONS:
6 Q. Is it fair to say, Ms. Little,
7 that there was conflicting information
8 reported by First USA Bank back to Trans
9 Union in response to this ACDV?
10 A. Yes. They didn't give us what we
11 needed. We needed something in the
12 deceased comment, in that comment field.
13 Q. And would this be something --
14 what you just stated that Trans Union
15 needed, if this were handled with a CDV
16 as opposed to an ACDV -- and let me
17 preface that by saying it's my
18 understanding that the CDV process
19 actually is returned -- there's a form
20 that's returned to a live Trans Union
21 operator, a human being, that then would
22 have to code the information back in.
23 Am I right about that?
24 A. Yes.

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1 Q. If this were a CDV, would this
2 information or the inconsistency or the
3 conflicting information that we see in
4 Deposition Exhibit Number 6, would that
5 give rise to a Trans Union operator
6 reacting in some form or would they just
7 go ahead and process it just the way it
8 was?

9 MR. CENTO: Objection; vague;
10 calls for speculation; incomplete
11 hypothetical. You can answer.

12 THE WITNESS: I can't state
13 what someone else would do if they were
14 looking at it.

15 BY MR. LYONS:

16 Q. Okay. And that's a fair
17 statement. So let me back you up one
18 more step. What's the procedure at
19 Trans Union in a CDV for the same
20 situation?

21 MR. CENTO: Same objection.

22 THE WITNESS: I don't know
23 that there is a set procedure but if
24 they had any questions or concerns about

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1 it, again, they could bring it to their
2 team leader. The team leader can do
3 something. They could always go to Kim
4 Bye and ask her for instructions. I
5 mean, I don't know what the operator
6 would do.

7 BY MR. LYONS:

8 Q. So there's no set procedure for
9 handling when a furnisher provides
10 conflicting or incomplete information;
11 is that correct?

12 A. They're supposed to key in what's
13 reported back from the subscriber.

14 Q. Even if it's inconsistent?

15 A. Well, they don't know that it's
16 inconsistent because in here that's
17 exactly what the operator did. She went
18 in and changed the "X" to an "I" and
19 updated all the fields that they
20 requested. But the deceased comment
21 would not change because there was
22 nothing put in that field.

23 Q. Right. So it showed -- instead of
24 that the person was deceased, it was

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1 changed to not deceased but the special
2 comment code still said deceased; right?

3 A. Well, it was never changed because
4 the change didn't happen because when
5 they changed it to an "I," the fact that
6 those comments were on there changed it
7 back to an "X."

8 Q. Okay. Now that's the part that I
9 missed. I'm sorry. I didn't hear you
10 say that. So it never got put back to
11 an "I"?

12 A. Not at this time, no.

13 Q. Because the special comments drive
14 the ECOA code? I'm confused. Because I
15 thought it was the other way around.

16 A. It is the other way around.

17 Q. Then how did that happen?

18 A. Because you have to change both.

19 MR. CENTO: I'm going to
20 object and she really is too far down
21 this line. If you want to go farther
22 down this line, we're going to have to
23 bring in on a different day somebody
24 like Kim Bye.

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1 MR. LYONS: Okay. But, I
2 mean, she apparently knows something
3 that I don't know, and I'd like to find
4 out what she does know. She says that
5 the "X" was originally changed to an "I"
6 and then changed back to an "X."

7 BY MR. LYONS:

8 Q. Is that what you're saying,
9 Ms. Little?

10 MR. CENTO: Right. And she's
11 told you what's happened. But if you
12 want a further explanation on why that
13 happens, we need someone other than her
14 or someone more knowledgeable in that
15 area.

16 MR. LYONS: Let me just
17 finish up this line of questioning with
18 her.

19 BY MR. LYONS:

20 Q. Ms. Little, do you know why that
21 happened?

22 MR. CENTO: I'm going to
23 instruct her not to answer. I will
24 provide another 30(b)(6) witness on that

<p style="text-align: right;">Page 90</p> <p>1 subject.</p> <p>2 MR. LYONS: But, Counsel, you</p> <p>3 can at least let her answer the question</p> <p>4 of whether or not she knows. Why can't</p> <p>5 she answer whether or not she knows?</p> <p>6 MR. CENTO: She is not the</p> <p>7 person most qualified to answer that</p> <p>8 question. I don't know what she knows</p> <p>9 on that area, but I do know that there's</p> <p>10 another witness who should be giving</p> <p>11 that testimony and that's the witness</p> <p>12 I'll provide for you.</p> <p>13 MR. LYONS: Are you afraid to</p> <p>14 let her testify?</p> <p>15 MR. CENTO: No. She's not</p> <p>16 prepared to testify. She doesn't know</p> <p>17 enough to testify in that area.</p> <p>18 MR. LYONS: Okay. Let's mark</p> <p>19 Deposition Exhibit Number 7 as BO00001.</p> <p>20 (Deposition Exhibit 7 was</p> <p>21 marked for identification purposes.)</p> <p>22 MR. CENTO: Okay.</p> <p>23 BY MR. LYONS:</p> <p>24 Q. Ms. Little, have you ever seen</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Correct.</p> <p>2 Q. And there in the original field is</p> <p>3 the "X" appearing on the right-hand side</p> <p>4 of the page; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And then below that, the</p> <p>7 correction part of the page shows the</p> <p>8 "I"; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. All right. And what was the</p> <p>11 outcome or the result of Trans Union's</p> <p>12 investigation then? Does it show on</p> <p>13 this page, on TU170?</p> <p>14 A. I'm not sure I understand what you</p> <p>15 mean by the outcome.</p> <p>16 Q. Well, Trans Union performed an</p> <p>17 investigation, correct, into</p> <p>18 Ms. Schmitt's dispute?</p> <p>19 A. Right.</p> <p>20 Q. That she was not dead and Trans</p> <p>21 Union's investigation result was what?</p> <p>22 A. We contacted the two creditors and</p> <p>23 then sent her a corrected copy or the</p> <p>24 revised copy after the investigation was</p>
<p style="text-align: right;">Page 91</p> <p>1 this document that we've marked as</p> <p>2 Deposition Exhibit 7 before?</p> <p>3 A. No.</p> <p>4 Q. Do you know what it is?</p> <p>5 A. It's an ACDV or AUDV.</p> <p>6 Q. And isn't it just another form of</p> <p>7 Deposition Exhibit Number 6?</p> <p>8 A. Yes.</p> <p>9 Q. And do you recognize the</p> <p>10 information appearing on Deposition</p> <p>11 Exhibit 7 to be the same or similar to</p> <p>12 the information contained in Deposition</p> <p>13 Exhibit Number 6?</p> <p>14 A. Yes.</p> <p>15 Q. Now, if we can turn back for a</p> <p>16 minute to Exhibit Number 2, where is</p> <p>17 the -- on what page, on what Trans Union</p> <p>18 page is the system information related</p> <p>19 to the investigation results of Exhibit</p> <p>20 6?</p> <p>21 A. TU170.</p> <p>22 Q. All right. And on TU170 this is a</p> <p>23 Trace Set Detail for this specific ACDV;</p> <p>24 correct?</p>	<p style="text-align: right;">Page 93</p> <p>1 completed.</p> <p>2 Q. Okay. And I guess what I'm trying</p> <p>3 to find out is let's break it down into</p> <p>4 two investigations. Let's talk first</p> <p>5 about the First USA Bank investigation.</p> <p>6 What was Trans Union's conclusion</p> <p>7 concerning the First USA Bank</p> <p>8 investigation?</p> <p>9 A. First USA was updated, the balance</p> <p>10 was updated, and then the Saks was</p> <p>11 deleted or changed.</p> <p>12 Q. Let's not talk about Saks for a</p> <p>13 minute. Let's just stick with First</p> <p>14 USA. So the Trans Union investigation</p> <p>15 results regarding First USA Bank were to</p> <p>16 update the balance; is that your</p> <p>17 testimony?</p> <p>18 A. Yes.</p> <p>19 Q. And you'd agree with me,</p> <p>20 Ms. Little, that didn't have anything to</p> <p>21 do with Ms. Schmitt's dispute, did it?</p> <p>22 A. No.</p> <p>23 Q. Would you agree with me that</p> <p>24 investigation conclusion or result was</p>

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1 non-responsive to her dispute?
 2 A. Well, the information that she was
 3 disputing didn't change, no.
 4 Q. Okay. Does Trans Union have the
 5 ability to mark a trade line as consumer
 6 disputes?
 7 A. There's a field we can put that
 8 statement in, yes.
 9 Q. Okay. And nobody put that
 10 statement in related to the First USA
 11 Bank trade line, did they?
 12 A. No.
 13 Q. Why was that?
 14 A. I mean, the consumer didn't
 15 request it.
 16 Q. I beg your pardon?
 17 A. The consumer didn't request that
 18 be done and she didn't ask for a
 19 consumer statement.
 20 Q. Okay. Let's back up for one
 21 second, just so we're all on the same
 22 page. When a consumer disputes, that
 23 field can actually be put in by Trans
 24 Union right into the trade line; is that

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1 correct?
 2 A. Right. It goes into what we call
 3 the collateral field. There's space in
 4 there to put consumer disputes or --
 5 Q. Can we look back at Deposition
 6 Exhibit Number 4 for a minute? And if
 7 we look down at TU003, let's just focus
 8 on the First USA Bank trade line?
 9 A. Right.
 10 Q. Where is that field, the
 11 collateral field?
 12 A. Right. Where is that on Exhibit
 13 4?
 14 Q. Yeah. Where would it be in
 15 relationship to the First USA Bank trade
 16 line? Where is that collateral field?
 17 A. I believe it would be between the
 18 "opened" date as well as the "status."
 19 Q. So it can fit right in there?
 20 A. Right.
 21 Q. Now, are you telling me that in
 22 order for Trans Union to put consumer
 23 disputes in that trade line, in that
 24 field, that something additional to what

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1 she had already sent in her December
 2 20th letter would have to be provided to
 3 Trans Union?
 4 A. No. What I stated was that she
 5 did not ask for a consumer statement to
 6 be put on. You're asking me why it
 7 wasn't done. I don't know. I'm not the
 8 operator here. I didn't do this.
 9 Q. And, Ms. Little, I'm not trying to
 10 upset you. I want to know what the
 11 procedure is related to putting
 12 disputes, consumer disputes, in the
 13 specific trade line field.
 14 A. It's not normally our policy to do
 15 that.
 16 Q. Why is that?
 17 A. I don't know why.
 18 Q. Okay. Is that policy about
 19 whether or not to do that for the
 20 consumer located anywhere in Deposition
 21 Exhibit Number 5?
 22 A. Is there a policy as to why we
 23 don't do it? Is that what you're asking
 24 me?

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1 Q. Well, let's start with that
 2 question. Is there a policy or a
 3 procedure manual dedicated to why Trans
 4 Union doesn't do it?
 5 A. Not that I'm aware of, no.
 6 Q. Is there a policy or procedure
 7 manual and specifically anywhere in
 8 Exhibit Number 5 is there information
 9 about whether or not it should be done
 10 or when it should be done?
 11 A. I don't know. I don't know that.
 12 Q. If you wanted to find out about
 13 that, who would you need to talk to?
 14 A. I'd have to go through this manual
 15 page by page to find out if there's
 16 anything in writing.
 17 Q. Okay. But just without paging
 18 through the manual, based on your
 19 multiple years, multiple decades of
 20 experience at Trans Union, you don't
 21 know of any policy or procedure related
 22 to that?
 23 A. I don't know.
 24 Q. Okay. Now, in addition to

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1 Q. Does Trans Union put information
2 into a consumer statement that the
3 consumer doesn't request?
4 A. Add her own verbiage to it, no.
5 Q. Well, if I call up and I say, "I
6 think I'm a victim of fraud," does Trans
7 Union put in all this other information
8 about "Do not extend credit without
9 first contacting me personally and
10 verifying all applicant information"?
11 A. Right. It's a protective
12 statement.
13 Q. Right. But that's not necessarily
14 the verbiage that the consumer used;
15 correct?
16 A. I mean, I don't know what the
17 consumer -- just because he's stating it
18 was fraud, this is what we do to protect
19 him.
20 Q. I understand that. But what I'm
21 asking you is does Trans Union put in
22 information that's pre-formatted
23 regarding consumer statements?
24 A. Yes. We have a standard statement

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1 regarding fraud.
2 Q. Okay. So regardless of what the
3 consumer says, there's a standard form
4 that can be put in and added by Trans
5 Union?
6 A. If the consumer had wanted
7 different information on there, we would
8 enter that as well.
9 Q. And are there any restrictions to
10 the information that Trans Union places
11 on consumer statements?
12 A. As far as the verbiage?
13 Q. Yeah.
14 A. I mean, we're not going to allow
15 anyone to use curses or whatever in the
16 system.
17 Q. And why is that?
18 A. Because it's our database and it's
19 unprofessional.
20 Q. Even if they're really, really mad
21 about some information that's not right?
22 A. Well, the verbiage doesn't really
23 express the tone of how mad they are.
24 It's our --

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1 Q. What about how insistent they are,
2 like, for example, if they're not dead?
3 I mean, have you ever put in a consumer
4 statement consumer states they're not
5 dead and they're really, really, really,
6 really, really not dead?
7 A. I'm sure it's been done.
8 Q. Okay. But it wasn't done in this
9 case?
10 A. No, it wasn't.
11 MR. LYONS: Let's mark
12 Deposition Exhibit Number 8 as TU0009.
13 (Deposition Exhibit 8 was
14 marked for identification purposes.)
15 MR. CENTO: Okay.
16 BY MR. LYONS:
17 Q. I'm showing you what's been marked
18 as Deposition Exhibit Number 8. Can you
19 identify this document for me?
20 A. This again is an ACDV that was
21 sent in reference to the Saks dispute.
22 Q. All right. So it's still in
23 reference to the dispute of Exhibit 3
24 but it's a different furnisher; correct?

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1 A. Correct.
2 Q. And this furnisher was also
3 reporting Ms. Schmitt as deceased; is
4 that correct?
5 A. Correct.
6 Q. Now, the subscriber response date
7 on this one January 7th of '03. Do you
8 see that?
9 A. Yes.
10 Q. And Trans Union was telling
11 Herberger's that to comply with the
12 F.C.R.A. a response is required by 1-6?
13 A. Correct.
14 Q. Do you know what the policy is if
15 they respond later than the date that's
16 required in the bottom field? Will they
17 still take the response?
18 A. As long as it's not past the 28th
19 day of the date the dispute was opened.
20 Q. Okay. And the 28th day after this
21 dispute was opened would be what?
22 A. I don't know. I mean, I don't
23 have a calendar in front of me.
24 Q. But that is how it's calculated?

<p style="text-align: right;">Page 106</p> <p>1 A. Right.</p> <p>2 Q. And do the operators know that or</p> <p>3 does the system know that or how does</p> <p>4 everyone know that that's what the real</p> <p>5 date is?</p> <p>6 A. The system generates all that.</p> <p>7 Q. Okay. To the right of the control</p> <p>8 number is "MA/SM: 0924." What does that</p> <p>9 mean?</p> <p>10 A. It's the market/sub market of the</p> <p>11 report, of the credit report.</p> <p>12 Q. And that's for marketing</p> <p>13 purposes? That doesn't have anything to</p> <p>14 do with investigation of the dispute,</p> <p>15 does it?</p> <p>16 A. Not for investigation. Well, it</p> <p>17 would -- that market area is handled by</p> <p>18 location 3, Crum Lynne. So on the</p> <p>19 bottom of her credit report it would</p> <p>20 tell her to dispute this and mail your</p> <p>21 information to this address.</p> <p>22 Q. And refer her back to Crum Lynne?</p> <p>23 A. Right.</p> <p>24 Q. Now, the dispute related to</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And how do you know that?</p> <p>2 A. Because they responded.</p> <p>3 Q. But you haven't talked to anyone</p> <p>4 from Herberger's, right?</p> <p>5 A. Correct.</p> <p>6 Q. But do you know the code, the</p> <p>7 alphanumeric code, that would produce</p> <p>8 this "consumer states comment"?</p> <p>9 A. No.</p> <p>10 Q. And how did Herberger's respond to</p> <p>11 Trans Union's ACDV?</p> <p>12 A. They gave a narrative response.</p> <p>13 Do you see where it says, "999 free-form</p> <p>14 response" and then they reported "no</p> <p>15 record of Peggy being deceased."</p> <p>16 Q. And did they change the ECOA? It</p> <p>17 was previously an "X."</p> <p>18 A. On my copy it just looks like</p> <p>19 there's a little asterisk or a dot</p> <p>20 there.</p> <p>21 Q. I mean, up in the Trans Union</p> <p>22 portion. Was there previously an "X"?</p> <p>23 A. Yes.</p> <p>24 Q. All right. So previously</p>
<p style="text-align: right;">Page 107</p> <p>1 this -- if you could get out Exhibit 6</p> <p>2 again and hold it next to Exhibit 8, it</p> <p>3 looks like there's a different "consumer</p> <p>4 states comments." Would you agree with</p> <p>5 that?</p> <p>6 A. Right.</p> <p>7 Q. This one says, "Subscriber</p> <p>8 comment/remarks message disputed" and</p> <p>9 then right below it it says "not</p> <p>10 deceased." Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Why, do you know, was there a</p> <p>13 different "consumer states comment"</p> <p>14 listed?</p> <p>15 A. They had to use a different claim</p> <p>16 code.</p> <p>17 Q. And why was that?</p> <p>18 A. I don't know why.</p> <p>19 Q. And is that typical procedure?</p> <p>20 A. I mean, I can't answer what claim</p> <p>21 code she used. I mean, it covers the</p> <p>22 dispute. She still put in there "not</p> <p>23 dispute."(sic) The creditor knew</p> <p>24 exactly what we were looking for.</p>	<p style="text-align: right;">Page 109</p> <p>1 Herberger's was reporting her as</p> <p>2 deceased. Is that your understanding?</p> <p>3 A. Yes.</p> <p>4 Q. And then they decided to change</p> <p>5 that reporting; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Now, does Trans Union do any</p> <p>8 investigation as to why they were</p> <p>9 originally reporting Peggy as deceased?</p> <p>10 A. No.</p> <p>11 Q. Does Trans Union consider that</p> <p>12 change in the reporting of an individual</p> <p>13 dead for a certain period of time and</p> <p>14 then re-reporting that person as</p> <p>15 alive -- does that make that furnisher</p> <p>16 unreliable?</p> <p>17 A. I'm not sure I understand your</p> <p>18 question.</p> <p>19 Q. Well, it looked like Herberger's</p> <p>20 was reporting Peggy Schmitt as being</p> <p>21 deceased for some period of time.</p> <p>22 A. Right.</p> <p>23 Q. And then all of a sudden, when you</p> <p>24 asked them, hey, she says she's not</p>

<p style="text-align: right;">Page 110</p> <p>1 deceased, they say, oh, my gosh, you're 2 right; she's not deceased. Does that 3 raise any flags about their reliability 4 in reporting to Trans Union? 5 A. No, not that I'm aware of. 6 Q. On my copy of Exhibit 8 there's 7 just a little asterisk below the "X." 8 And are you saying you don't know what 9 that means? 10 A. That's what I said it looks like 11 to me, too, just an asterisk. 12 Q. Okay. Do you know what that 13 asterisk means? 14 A. No. 15 Q. Is that a recognized code or 16 indicator for an ECOA field? 17 A. No, it's not. 18 Q. Looking back at Exhibit Number 2, 19 if we go to TU172, how does the system 20 treat the information that was received 21 back from Herberger's? 22 A. Well, this was not an automated 23 request. This failed because the 24 subscriber put in that "999 free-form</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. As opposed to if we go back a 2 page, or two pages, to TU170, it says 3 "VR operator ID" what? 4 A. "CRS9REQ3," which is an automated 5 process. 6 Q. All right. Thank you. So is it 7 fair to say, Ms. Little, that you don't 8 know why the operator changed the ECOA 9 code from "X" to "I"? 10 A. No. I can only assume, you know, 11 maybe she seen that asterisk and assumed 12 that field was being changed. Based on 13 their narrative response that there's no 14 record of her being deceased, they 15 changed it to an "I." 16 MR. LYONS: Let's mark as 17 Deposition Exhibit Number 9 TU0010. 18 MR. CENTO: You want the 19 whole thing or just that page? 20 MR. LYONS: Oh, no. Through 21 0015. Thanks. 22 (Deposition Exhibit 9 was 23 marked for identification purposes.) 24 MR. CENTO: Okay.</p>
<p style="text-align: right;">Page 111</p> <p>1 response." So an operator generated 2 this or made this correction. 3 Q. Okay. 4 A. So what she went in and did was 5 she entered that they verified the name, 6 address, social, previous address, and 7 they changed the "X" to an "I." 8 Q. Based on what? 9 A. Probably that asterisk. I mean, I 10 don't know. 11 Q. Now, when you say this was handled 12 manually, was it handled manually 13 because the system considered it a 14 failure on the ACDV? 15 A. Yes. 16 Q. And where does it say that in 17 Exhibit 2 or how do you know that, I 18 should say? 19 A. When you look at TU172 where it 20 says "VR operator," it gives you an 21 operator ID. 22 Q. Okay. 23 A. So that tells me that an operator 24 did it.</p>	<p style="text-align: right;">Page 113</p> <p>1 BY MR. LYONS: 2 Q. Ms. Little, I'm showing you what's 3 been marked as Deposition Exhibit Number 4 9. Can you identify this document for 5 me? 6 A. This is the revised copy after our 7 investigation that went back to the 8 consumer. 9 Q. And Exhibit 9 shows that the Saks 10 account had been updated to take off the 11 deceased; correct? 12 A. Correct. 13 Q. But that the First USA Bank trade 14 line still was being reported as 15 deceased? 16 A. Correct. 17 Q. And there was no indication in the 18 collateral field that the consumer 19 disputed that information; correct? 20 A. Correct. 21 Q. If you could turn back to page 173 22 of Exhibit 2. 23 A. Yes. 24 Q. What information is contained on</p>

<p style="text-align: right;">Page 114</p> <p>1 this page concerning or which dispute is 2 this concerning? 3 A. (Witness reviews exhibit.) 4 Q. Ms. Little, do you know? 5 A. No. I'm looking at it but there's 6 no -- here's an account number. I got 7 it. So that's in reference to the Saks 8 account. 9 Q. Okay. Thank you. 10 A. And you had asked me before about 11 what claim code was generated regarding 12 this one. It's B7. 13 Q. That appears on the top of TU173? 14 A. Yes. 15 Q. Thank you. Now, before Exhibit 9 16 gets sent back to or is generated to 17 Peggy Schmitt, does anyone from Trans 18 Union review it? 19 A. No. 20 Q. And this is a report dated January 21 11, 2003? 22 A. Yes. 23 Q. If you flip to TU0014, which is 24 part of Exhibit Number 9, there's a</p>	<p style="text-align: right;">Page 116</p> <p>1 consumer is deceased? 2 A. No, I've never seen it. 3 Q. Have you ever seen a special 4 message concerning a consumer disputing 5 being reported as deceased in the 6 "special message" field? 7 A. Can you say that again? 8 Q. I sure can. Have you ever seen 9 any phrase or verbiage that the consumer 10 disputes being deceased in the "special 11 message" field? 12 A. No. 13 Q. All right. Now, if you look at 14 Deposition Exhibit Number 2, Ms. Little, 15 does this tell you when is the next time 16 that Ms. Schmitt disputes any 17 information on her Trans Union credit 18 report? 19 A. Yes. 20 Q. When is that? 21 A. It's transaction 004 and it's 22 March 12, '03. 23 Q. All right. 24 MR. LYONS: Let's mark as</p>
<p style="text-align: right;">Page 115</p> <p>1 field at the bottom of the page called 2 "special messages." Do you see that? 3 A. Yes. 4 Q. What is that section of the report 5 used for? 6 A. They're messages that the system 7 would generate. 8 Q. And are they information for Trans 9 Union's purposes or are they information 10 for Peggy Schmitt's purposes? 11 A. They're information for 12 subscribers as well as Peggy Schmitt's 13 information. 14 Q. So it's for subscribers and for 15 Peggy Schmitt? 16 A. Yes. 17 Q. Not for Trans Union? 18 A. Well, no, because we're not 19 looking at them. We're generating them. 20 Q. And have you ever known it to be 21 the case that in the "special message" 22 field there would be any information 23 about inconsistency or contradictory 24 information concerning reporting</p>	<p style="text-align: right;">Page 117</p> <p>1 Deposition Exhibit Number 10 TU0016 2 through 0018. 3 (Deposition Exhibit 10 was 4 marked for identification.) 5 MR. CENTO: Okay. 6 BY MR. LYONS: 7 Q. Ms. Little, I'm showing you what's 8 been marked as Deposition Exhibit Number 9 10. Is this the correspondence that 10 generated the notation in Deposition 11 Exhibit Number 2 related to the second 12 dispute of Peggy Schmitt? 13 A. Yes, it is. 14 Q. All right. And what page does the 15 second dispute information begin on? 16 A. On TU168. 17 Q. All right. And was this dispute 18 handled by priority processing? 19 A. Yes, it was. 20 Q. And that would have been a 21 different operator; is that correct? 22 A. Yes. 23 Q. Now, in looking at TU168, am I 24 right that the operator for the first</p>

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1 Do you see that?
 2 A. Yes.
 3 Q. But there's no "X" next to that
 4 field, is there?
 5 A. No, there's not.
 6 Q. But, despite that, it appears as
 7 though data was changed by or attempted
 8 to be changed by First USA Bank. Do you
 9 see that?
 10 A. I see that they have a March of
 11 '03 verification date and that's it.
 12 Q. You don't see over on the right-
 13 hand side where they tried to change the
 14 ECOA code from "X" to "I"?
 15 A. I see that but I don't know
 16 that -- I mean, they're not indicating
 17 to us to change that. So I don't know
 18 that they're requesting us to change it.
 19 Q. Okay. Let me back up just a
 20 second. Are you testifying that the
 21 information that's contained below the
 22 dotted line is information that was
 23 inputted by some entity other than First
 24 USA Bank?

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1 A. No, I'm not. First USA Bank
 2 entered that information in there.
 3 Q. And what you're testifying to
 4 today is that you believe that that was
 5 information that First USA didn't want
 6 to change or they did want to change?
 7 A. I don't know what First USA Bank
 8 wanted. I mean, they put "verified as
 9 reported" and that's what we're going to
 10 act on, those instructions.
 11 Q. So if they changed data in that
 12 field where it says "change data as
 13 shown," Trans Union will ignore those
 14 data changes?
 15 A. Right. You can't ask -- you can't
 16 state that it's "verified as reported"
 17 and then ask for a change.
 18 Q. That seems inconsistent, doesn't
 19 it?
 20 A. Right.
 21 Q. But is that the kind of
 22 inconsistency that would kick this ACDV
 23 and cause it to fail?
 24 A. No. It wouldn't fail because

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1 there's something in that "verified as
 2 reported" box. That's what they're
 3 going to go with, "verified as
 4 reported."
 5 Q. Despite the fact that there is
 6 data that apparently First USA Bank
 7 wants to change?
 8 A. Right. And their response code is
 9 01 and that also states that the account
 10 information is verified as accurate.
 11 Q. Now, was this handled by the
 12 system or was this handled by a live
 13 operator? If I could direct your
 14 attention to TU174.
 15 A. This was an automated response.
 16 Q. But this one was handled by
 17 priority processing; is that correct?
 18 A. The dispute was, not the
 19 reverification.
 20 Q. Right. In order for priority
 21 processing to handle the response, there
 22 would have had to have been a lock
 23 placed on the FIN; is that right?
 24 A. Right. Then it would go back to

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1 that operator telling her that her
 2 dispute is closed.
 3 Q. Okay. But there was no lock
 4 placed on the FIN; correct?
 5 A. The FIN is locked now. I don't
 6 know. I mean, it was an attorney file
 7 so they would have locked it back then,
 8 yes. It probably was locked.
 9 Q. It was locked at the time that
 10 this dispute was processed?
 11 A. Yes.
 12 Q. And that would result in some
 13 report being generated back to the
 14 operator by the system?
 15 A. Yes. As I said, but they don't
 16 use that report for the way you think
 17 they're using that report. I mean, all
 18 that report is telling them is that the
 19 dispute is closed and in order to
 20 complete it and generate the corrected
 21 copy; that's what that report is for.
 22 Q. Why is that report in place? What
 23 purpose does it serve?
 24 A. It notifies them when a dispute

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1 A. There's about a staff of maybe 15
2 to 20 in the department, but they all
3 don't have the same responsibility.
4 There could be some that just handle
5 attorney disputes and then there's some
6 that handle Better Business, Attorney
7 General complaints. So I would say that
8 there's probably seven that could handle
9 the Attorney General stuff. There's
10 probably nine that handles attorney
11 disputes.

12 Q. And out of those nine, you're not
13 aware of any policy at Trans Union to
14 handle specifically Consumer Justice
15 Center disputes or disputes from our law
16 office, are you?

17 A. Not at all.

18 Q. All right. Can you make out for
19 me on Exhibit 16 the information that is
20 handwritten on the right-hand side next
21 to the paragraphs? It looks like some
22 check marks and then I'm trying to see
23 if you can decipher that writing.

24 A. The first one looks like it's

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1 "okay." I don't know what -- under the
2 second paragraph what that is.

3 Q. I couldn't tell it either and I
4 didn't know if you knew. All right.

5 Now, in response to this
6 dispute marked as Exhibit 16, Trans
7 Union initiated additional investigation
8 with First USA Bank; is that correct?

9 A. Yes.

10 MR. LYONS: And I'd like to
11 mark as Deposition Exhibit Number 17
12 TU0030.

13 (Deposition Exhibit 17 was
14 marked for identification purposes.)

15 BY MR. LYONS:

16 Q. Do you have it, Ms. Little?

17 A. Yes.

18 Q. Okay. Thank you. I'm showing you
19 what's been marked as Deposition Exhibit
20 Number 17. Can you identify this for
21 me?

22 A. This is the ACDV that was sent to
23 First USA on March 22nd, '03.

24 Q. Does the operator that's

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1 investigating on behalf of Trans Union,
2 in addition to looking at the History
3 Search Summary, also look back through
4 the Trade Set or expanded Trade Set
5 Details concerning the previous
6 disputes?

7 A. I mean, they have access to all
8 that information. It's not required
9 that they go back and look through that.

10 Q. Do you agree with me that that
11 might be helpful, that that information
12 contained in those notes that we've
13 marked as Exhibit 2 might be helpful in
14 assisting a priority processing operator
15 in investigating a dispute of a
16 consumer's?

17 A. No; because we automated the
18 system for the system to do that in
19 place of the operator. If it's
20 something that was previously
21 investigated before, then the system
22 knows that.

23 Q. And what does the system do if
24 it's been investigated before? What

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1 does the system do?

2 A. If it's the same dispute, like,
3 say, an ownership dispute, it will
4 generate a letter back to the consumer
5 stating that this information has been
6 previously investigated.

7 Q. And that it's frivolous; right?

8 A. Yes. And unless they could give
9 us additional information, it's not
10 going to be reinvestigated.

11 Q. Exhibit 17 is the second dispute
12 concerning First USA Bank Number 8870 or
13 account number ending in 8870. Is that
14 correct?

15 A. Yes.

16 Q. And did you show whether or not
17 one of those frivolous letters was
18 kicked out by the system?

19 A. There was a letter on March 21st.
20 Let me see if it's in this Exhibit 2.

21 MR. CENTO: Apparently it's
22 not in these documents. I believe --
23 what's the date of the letter?

24 THE WITNESS: March 21st.

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1 Q. And that we see on Deposition
2 Exhibit Number 6?
3 A. Yes.
4 Q. Okay.
5 A. Then the First USA, TU174 -- no,
6 I'm sorry -- TU175 is A3, a different
7 claim code. So it wouldn't generate
8 that letter.
9 Q. Let's stop right there for one
10 second because I already have a question
11 for you. If we look at TU175, A3 says
12 "belongs to another individual." And
13 that's not what came out on Exhibit 17.
14 A. No. It's for Exhibit 14.
15 Q. Okay. Then we should skip ahead
16 to TU179?
17 A. Okay. And that was A3 as well.
18 Q. But that can't be because that
19 doesn't match up with TU0030. Those are
20 different codes and different
21 information. Actually, why don't you
22 turn to TU183. I think that will help
23 you out.
24 A. Okay. And that's B7.

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1 Q. The same as the one before;
2 correct?
3 A. Right.
4 Q. So the two disputes were identical
5 in that they were both coded as B7 but
6 yet the frivolous letter wasn't
7 generated. And I want to know why that
8 was, if you know.
9 A. The frivolous letter only would be
10 generated if it's disputed again within
11 a certain period of time. Ownership I
12 think is 120 days and account
13 information is 58 days.
14 Q. All right. So because this was
15 outside that window --
16 A. Then the letter wouldn't be
17 generated. It would just be
18 investigated again.
19 Q. Okay. Now, does anybody -- does
20 Trans Union tell that to any of the
21 consumers that are disputing, that if
22 they redispute in a certain amount of
23 time, they're going to get a frivolous
24 letter unless they provide more

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1 information?
2 A. No; other than the letter.
3 Q. But I'm talking about before they
4 get the letter, is there anything, any
5 information that's provided to a
6 consumer that would warn them that in
7 order to redispute within a certain
8 amount of days, you're going to need to
9 provide us with more information?
10 A. No.
11 Q. So now this second dispute
12 concerning being dead related to this
13 trade line 8870, what happened this
14 time? How did First USA Bank respond
15 this time?
16 A. All right. So we're looking at
17 Exhibit 17; right?
18 Q. That's correct.
19 A. They requested "change data as
20 shown" and they changed the balance, the
21 high credit, the date closed and the
22 verification date.
23 Q. So this time around they failed to
24 change the ECOA code; correct?

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1 A. Correct.
2 Q. And, as a result of that, the
3 account remained reported as deceased;
4 correct?
5 A. I believe so.
6 MR. CENTO: She is looking at
7 TU0033, that disclosure.
8 MR. LYONS: All right. We're
9 going to mark that in a minute.
10 THE WITNESS: It stayed with
11 the deceased comment.
12 MR. CENTO: Do you want me to
13 mark that?
14 MR. LYONS: Sure. Let's mark
15 that. We'll call that 18.
16 MR. CENTO: Yes.
17 (Deposition Exhibit 18 was
18 marked for identification purposes.)
19 BY MR. LYONS:
20 Q. Ms. Little, I'm showing you what's
21 been marked as Deposition Exhibit 18.
22 Can you identify this document for me?
23 A. This is the notification back to
24 the consumer with the results of our

Page 162

1 investigation.
 2 Q. And the investigation results were
 3 that the account, the First USA Bank
 4 account ending in 8870, was going to
 5 remain on Ms. Schmitt's Trans Union
 6 credit report as deceased; correct?
 7 A. Yes.
 8 Q. Now, on this disclosure it doesn't
 9 seem like there's room for there to be
 10 the consumer disputes verbiage in the
 11 field that we were talking about before.
 12 A. Okay. But I said I think it would
 13 go in between those two lines. I'm not
 14 sure where it would print out on this
 15 report.
 16 Q. Okay. I mean, I just didn't --
 17 this was different than the one we
 18 looked at before where there looked like
 19 there was room. Do you know why this is
 20 different?
 21 A. There's probably more information
 22 reported on that trade line.
 23 Q. And Trans Union doesn't appear to
 24 have added anything to her consumer

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1 statement about the fact that she's now
 2 disputed this twice; correct?
 3 A. Correct.
 4 Q. And that's for what reason? Why
 5 didn't Trans Union do that?
 6 A. She didn't request that we change
 7 or modify her consumer statement.
 8 Q. Do you think that she wanted to
 9 continue to be reported as deceased by
 10 Trans Union?
 11 A. I'm not going to answer as to what
 12 she thought.
 13 Q. Pardon me?
 14 A. I'm not going to answer as to what
 15 she thought.
 16 Q. You don't know what she was
 17 thinking?
 18 A. No, I don't know what she was
 19 thinking.
 20 Q. Do you think she liked being
 21 reported as deceased to other people?
 22 MR. CENTO: Objection. I
 23 will instruct her not to answer. It's
 24 beyond the scope of this deposition.

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1 It's beyond the scope of the
 2 designations. It's an improper question
 3 and I'll enter another 26(c) objection.
 4 Don't answer that.
 5 BY MR. LYONS:
 6 Q. Ms. Little, do you understand that
 7 when Trans Union reports someone that is
 8 not deceased as being deceased, that
 9 that's harmful to their credit profile?
 10 MR. CENTO: Object to the
 11 form. You can answer if you know.
 12 THE WITNESS: I mean, it
 13 would depend on what the creditor -- how
 14 the creditor viewed it.
 15 BY MR. LYONS:
 16 Q. I don't understand what you mean.
 17 A. You're asking me if that
 18 information is harmful.
 19 Q. Yes.
 20 A. Well, I'm not in a position to
 21 grant or approve credit. That would be
 22 up to the creditor who pulled the report
 23 and they're viewing it and making that
 24 decision. Did they view it as negative?

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1 Q. Do you have any understanding or
 2 knowledge as to whether or not credit
 3 reports or credit scores can be
 4 generated where there is information on
 5 a credit report like Trans Union showing
 6 that a consumer is deceased?
 7 MR. CENTO: I'm going to
 8 object. It's beyond the scope of the
 9 designations and instruct her not to
 10 answer.
 11 MR. LYONS: So even if she
 12 knows, you're not going to let her
 13 answer?
 14 MR. CENTO: You haven't asked
 15 anything about credit scoring and I
 16 think is it this case or another case
 17 that you've taken the deposition of
 18 FICO?
 19 MR. LYONS: It hasn't been in
 20 this case.
 21 MR. CENTO: Okay. Well --
 22 MR. LYONS: Does that matter
 23 as to whether or not you'll let her
 24 answer?

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1 inaccurate information from appearing on
 2 Ms. Schmitt's Trans Union credit report?
 3 MR. CENTO: Objection; vague;
 4 ambiguous; overly broad. Go ahead.
 5 THE WITNESS: I mean, that's
 6 a program question for someone else. I
 7 can't answer that.
 8 BY MR. LYONS:
 9 Q. You know of no way in which that
 10 inaccurate information can be prevented
 11 from appearing on her Trans Union credit
 12 report?
 13 A. Right. I don't know that.
 14 Q. Do you believe that it's
 15 reasonable for Trans Union to continue
 16 to report Ms. Schmitt as deceased when
 17 they believe that she's not deceased but
 18 First USA Bank is verifying information
 19 saying she's deceased?
 20 MR. CENTO: Objection. It's
 21 beyond the scope of this witness's
 22 knowledge. It's beyond the scope of the
 23 designations. It contradicts the
 24 witness's prior testimony. I'm going to

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1 instruct her not to answer.
 2 BY MR. LYONS:
 3 Q. Ms. Little, do you believe that
 4 the Trans Union operator investigating
 5 this March, 2003, dispute by Ms. Schmitt
 6 that she was not dead followed Trans
 7 Union procedure in investigating the
 8 dispute?
 9 A. Yes.
 10 Q. And do you know specifically all
 11 the steps that the Trans Union operator
 12 took in investigating Ms. Schmitt's
 13 second dispute claiming she wasn't dead?
 14 A. Yes. They again regenerated the
 15 verification form back to the
 16 subscriber.
 17 Q. And that was the limit of the
 18 investigation, was it not?
 19 A. Yes, it is.
 20 Q. Do Trans Union operators that are
 21 investigating disputes through ACDV ever
 22 have an opportunity to review whether or
 23 not the furnisher or responder to the
 24 ACDV has replied in a manner that is

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1 consistent with Trans Union's belief
 2 about the investigation?
 3 MR. CENTO: Objection; vague,
 4 ambiguous, asked and answered.
 5 THE WITNESS: No.
 6 MR. LYONS: Can we mark as
 7 Deposition Exhibit Number 18 BO000003.
 8 MR. CENTO: We already have
 9 18.
 10 MR. LYONS: That's 18?
 11 MR. CENTO: Yeah. I mean,
 12 wait a minute. Hold on. Is that 18?
 13 MR. LYONS: No. 18 is the
 14 corrected report. 19 will be BO000003 I
 15 think.
 16 MR. CENTO: I've got two
 17 pages left, 0031 and 0032.
 18 MR. LYONS: You should have
 19 003, which is a BO document.
 20 MR. CENTO: Yeah, okay. I
 21 got it.
 22 MR. LYONS: Let's mark that
 23 as 19 I think is the right number.
 24 (Deposition Exhibit 19 was

Page 173

1 marked for identification purposes.)
 2 BY MR. LYONS:
 3 Q. Ms. Little, can you identify
 4 Exhibit 19 for me?
 5 A. Again, it's a copy of the ACDV
 6 that was generated 3-22-03 and it's
 7 addressed to First USA Bank.
 8 Q. And do you believe that it is
 9 similar in form to Deposition Exhibit
 10 Number 17?
 11 A. Yes.
 12 MR. LYONS: If we could mark
 13 TU0031 as Deposition Number 20.
 14 (Deposition Exhibit 20 was
 15 marked for identification purposes.)
 16 BY MR. LYONS:
 17 Q. I'm showing you what's been marked
 18 as Exhibit Number 20. Can you identify
 19 this document for me?
 20 A. Again, this is a screen print of
 21 the ACDV that was sent to First USA.
 22 It's the results of that 3-22-03.
 23 Q. This dispute concerned an account
 24 that Ms. Schmitt was disputing as

HISTORY SEARCH SUMMARY

KKHSO010 072

SEARCH

FIN: 15763185 SSN:

LAST:

COMMENT: Y

NAME: SCHMITT

PEGGY

ARCHIVE: N (Y/N)

ADDR: 3107 NE ULYSSES

MARIE

MINNEAPOLIS

MN 55418

ST

SSN: 482 94 9755 AGE/DOB: 1063 SPOUSE/SSN:

GROUP-CMD:

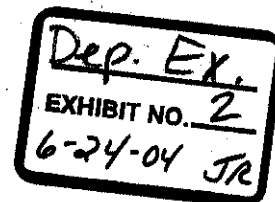
CMD	TRAN-TYPE	I-D	CONTROL-NUM	DATE-REC	ST	ST-DATE	PR	Z52	LOC	OPER
	RM-010		15763185-012	04/10/03	CL	04/10/03		03	C5082	
	CC-DSC		15763185-011		CL	04/02/03	PR	03	C5063	
	LTRUNI		15763185-010	03/19/03	CL	03/21/03	PR	03	C5063	
	DSP	A	15763185-009	03/19/03	CM	04/02/03	PR	03	C5063	
	I-DSC	A	15763185-008	03/19/03	CL	03/21/03	52 PR	03	C5063	
	CC-DSC		15763185-007		CL	03/21/03	PR	03	C5063	
	LTRUNI		15763185-006	03/12/03	CL	03/13/03	PR	03	C5063	

MORE

EXT-CODE: SUB-CODE: KEY:

1=CPT 3=ADD 4=CMT 5=BCK 6=FWD 7=PRV 8=NXT 9=FRC 10=SRH 11=CFD 12=ESC

5041 FIN IS LOCKED.



TU 167

JISF/CORR
 CNTRL: 15763185 002 03 TRADE SET DETAIL KKHSO520 006
 CONSUMER: SCHMITT PEGGY MARIE CR: 01A
 RESPONSE: C FAVORABLE: F STATUS: CM DATE-REC: 12/26/02 DEL: N MM/SS:
 * COMPLETE DISPUTE * ** CHANGED ** PRIORITY: 3
 S-CD SUBS-NAME DT-OP HI-CR DT-VER BAL-0 P-DUE PMT PATTERN E
 ACCOUNT-NUMBER L-TP CR-LM DT-CLS MD-DT---AMT---MOP A-TP
 COLLATERAL REMARKS TERMS HIST STATUS MOP
 ORIG: SUPP: PRO
 B 1B68010 FIRST USA BK 11/95 00005211 12/02 00001572 00000000 111111111111 X
 4266869998378870 CC 00017000 111111111111 R
 DEC MIN31 048 00 00 00 01

CORR:
 B 1B68010 FIRST USA BK 11/95 00001573 01/03 00000338 00000000 111111111111 I
 4266869998378870 CC 00017000 111111111111 R
 DEC MIN10 *** ** ** ** 01

VR OPID: CRS9REQ3 QC OPID: EXPD:
 DAVE: 1 2 3 5 DOB/02

NEXT-CODE: SUB-CODE: KEY:
 1=CPT 2=RTN 12=ESC

LOC. 03
RPT-ID: KKAVB500-1

TRANS UNION CORPORATION
CONSUMER RELATIONS
ACDV3 RESPONSES THAT WERE AUTO UPDATED

DATE: 01/11/03 TIME: 06:07
PAGE: 1459

EPT: N
ER RESPONSE DATE: 01/10/03
TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 01/07/03

CONTROL: 115763185 002 03
DATE ENTERED: 12/31/02

MA/SM: 0103 SUB LOC: 001
DATE RECD: 12/26/02

NAME: SCHMITT, PEGGY MARIE
AKA:
ADDR: 3107 NE ULYSSES ST
MINNEAPOLIS, MN 55418
PREV: 3522 S 37TH AV
MINNEAPOLIS, MN 55406

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

(S) NAME:

AKA:

(S) ADDR:

(S) PREV:

SSN: 482-94-9755
DOB: 10/01/63
PHONE: 000-788-1404

(S) SSN:

(S) DOB:

(S) PHONE:

CONSUMER Special Comment, Compliance Condition and/or remarks message disputed.
STATES
COMMENTS

	SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
	ACCOUNT NUMBER	CREDIT LIMIT	TERMS	LAST PYMT	DT 1ST DEL			HISTORY		BCOA
	TYPE LOAN	COLLATERAL		SP.COMMENTS/STATUS/REMARKS	CLOSED					
VERIFIED	FIRST USA BANK	1B68010	11/95	12/02	\$1572	\$0	\$5211	111111111111	R	01
AS	4266869998378870	\$17000	MIN31					111111111111		X
REPORTED:	CREDIT CARD			DEC - DECEASED				111111111111		
								111111111111		

CHANGE 01/03 \$338 \$1573
DATA AS MIN10
SHOWN : X

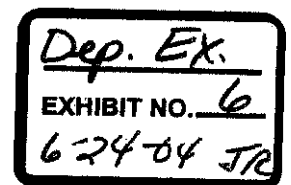
RESPONSE CODES: 02 MODIFY ACCOUNT INFORMATION AS INDICATED

CONSUMER MESSAGE: NOT DECEASED

AUTHORIZED PHONE/NAME: 614-776-7689 - RUTH MAINA

ACCT	PAYMENT	SPECIAL	COMPLIANCE	CONSUMER	MOP	REMARKS
STATUS	RATING	COMMENT CD	CONDITION CD	INFORMATION IND	CODE	CODE
SENT 11					01	DEC
RECEIVED					01	DEC

VERIFICATION FLAGS	FIRST NAME (S)	MIDDLE NAME (D)	LAST NAME (S)	PREFIX SUFFIX	RESULT (S)
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TU0008

LOC. 03
RPT-ID: KKVRS08-2

TRANS UNION CORPORATION
CONSUMER RELATIONS

DATE: 01/06/03 TIME: 05:21
PAGE: 84

CRS ACDV/ACTV RESPONSES FOR MANUAL PROCESSING

03 DEPT: N

SU SUB RESPONSE DATE: 01/07/03

CONTROL: 15763185 002 02

MA/SM: 0924 SUB LOC: 001

TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 01/06/03

DATE: 12/31/02

NAME: SCHMITT, PEGGY, MARIE

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

AKA:

(S) NAME:

AKA:

ADDR: 3107 NE ULYSSES ST

(S) ADDR:

MINNEAPOLIS, MN 55418

PREV: 3522 S 37TH AV

(S) PREV:

MINNEAPOLIS, MN 55406

SSN/DOB/PHONE: 482-94-9755 / 10/01/63 / 000-788-1404

(S) SSN/DOB/PHONE: / /

CNTL# 15763185 002 02 DATE RECD: 12/26/02 PRI: 3

CONSUMER SUBSCRIBER COMMENT/REMARKS MESSAGE DISPUTED

STATES

COMMENTS NOT DECEASED

SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
ACCOUNT NUMBER	CREDIT LIMIT	TERMS	LAST PYMT	MAX.DELQ.DATE	MD.AMT	MD.MOP	HISTORY	ECCA	
TYPE LOAN	COLLATERAL/FLAG	SP.COMMENTS/STATUS/REMARKS	CLOSED	MOS	30	60	90		

VERIFIED	NEGL-HERBERG	D 1RKG001	12/00	11/02A	\$0	\$0	\$337		R	9P
AS	9041410114845962	\$1500								X
REPORTED:	CHARGE ACCOUNT						10/02	0	0	0

CHANGE 01/03A

DATA AS

SH: X

12

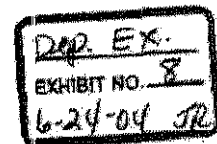
RESPONSE CODES: 999 FREE-FORM RESPONSE.

RESPONSE NARRATIVE: NO RECORD OF PEGGY BEING DECEASED

CONSUMER MESSAGE:

AUTHORIZED PHONE/NAME: 601-592-2897 / JUANITA DAY

REASON FOR PRINT: P - Response Code contains 999



TU0009

03

YOUR TRANS UNION FILE NUMBER: 115763185

PAGE 1 OF 6

DATE THIS REPORT PRINTED: 01/11/2003

SOCIAL SECURITY NUMBER: [REDACTED]-9755

BIRTH DATE: 10/1963

YOU HAVE BEEN IN OUR FILES SINCE: 02/1988

PHONE: 788-1404

CONSUMER REPORT FOR:

SCHMITT, PEGGY, MARIE
 3107 NE ULYSSES ST
 MINNEAPOLIS, MN 55418

FORMER ADDRESSES REPORTED:

3522 S 37TH AV, MINNEAPOLIS, MN 55406
 4545 CINNAMON RIDGE, EAGAN, MN 55122

INVESTIGATION RESULTS

WE HAVE COMPLETED OUR REINVESTIGATION AND THE RESULTS ARE SHOWN BELOW.

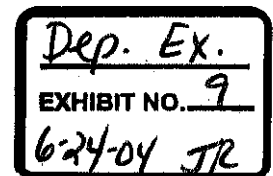
ITEM	DESCRIPTION	RESULTS
SAKS INCORPORATED	# 9041410114845962	NEW INFORMATION BELOW
FIRST USA BANK	# 78870	NEW INFORMATION BELOW

ANY CORRECTIONS TO YOUR IDENTIFICATION REQUESTED BY YOU HAVE BEEN MADE AS NOTED ABOVE. IF OUR INVESTIGATION HAS NOT RESOLVED YOUR DISPUTE, YOU MAY ADD A 100 WORD CONSUMER STATEMENT TO YOUR REPORT. YOUR UPDATED CREDIT INFORMATION FOLLOWS:

YOUR CREDIT INFORMATION

THE FOLLOWING ACCOUNTS CONTAIN INFORMATION WHICH SOME CREDITORS MAY CONSIDER TO BE ADVERSE. ADVERSE ACCOUNT INFORMATION MAY GENERALLY BE REPORTED FOR 7 YEARS FROM THE DATE OF THE FIRST DELINQUENCY, DEPENDING ON YOUR STATE OF RESIDENCE. THE ADVERSE INFORMATION IN THESE ACCOUNTS HAS BEEN PRINTED IN >BRACKETS< FOR YOUR CONVENIENCE, TO HELP YOU UNDERSTAND YOUR REPORT. THEY ARE NOT BRACKETED THIS WAY FOR CREDITORS. (NOTE: THE ACCOUNT # MAY BE SCRAMBLED BY THE CREDITOR FOR YOUR PROTECTION).

SAKS INCORPORATED # 9041410114845962 REVOLVING ACCOUNT
 CHARGE ACCOUNT
 UPDATED 01/2003 BALANCE: \$0 INDIVIDUAL ACCOUNT
 OPENED 12/2000 MOST OWED: \$337 CREDIT LIMIT: \$1500
 PAID OFF 10/2002
 >STATUS AS OF 10/2002: PAYMENT AFTER CHARGE OFF/COLLECTION<



TU0010

REPORT ON SCHMITT, PEGGY, MARIE

PAGE 2 OF 6

SOCIAL SECURITY NUMBER: ████████-9755

TRANS UNION FILE NUMBER: 115763185

OWING ACCOUNTS ARE REPORTED WITH NO ADVERSE INFORMATION

FIRST USA BANK # 4266869998378870 REVOLVING ACCOUNT
DECEASED CREDIT CARD
UPDATED 01/2003 BALANCE: \$338 CONSUMER DECEASED
OPENED 11/1995 MOST OWED: \$1573 PAY TERMS: MINIMUM \$10
CREDIT LIMIT: \$17000
STATUS AS OF 01/2003: PAID OR PAYING AS AGREED
IN PRIOR 48 MONTHS FROM LAST UPDATE NEVER LATE

REDACTED

TU0011

REPORT ON SCHMITT, PEGGY, MARIE
SOCIAL SECURITY NUMBER: 482-94-9755

PAGE 3 OF 6
TRANS UNION FILE NUMBER: 115763185

REDACTED

TU0012

REPORT ON SCHMITT, PEGGY, MARIE
SOCIAL SECURITY NUMBER: ████████-9755

PAGE 4 OF 6
TRANS UNION FILE NUMBER: 115763185

REDACTED

MORTGAGE PLUS FI VIA CBR/CBC MORTGAGE
MISSIBLE PURPOSE - CREDIT TRANSACTION

INDIVIDUAL

01/09/2005

TU0013

REPORT ON SCHMITT, PEGGY, MARIE
SOCIAL SECURITY NUMBER: ~~400000~~-9755

PAGE 5 OF 6
TRANS UNION FILE NUMBER: 115763185

REDACTED

STATEMENT:

#HK# FRAUD VICTIM; DO NOT EXTEND CREDIT WITHOUT FIRST CONTACTING
ME PERSONALLY AND VERIFYING ALL APPLICANT INFORMATION. CONTACT
ME FOR VERIFICATION AT: HOME (612) 789-3903 OR WORK (612) 626-4030
DATED: 02/97.
THIS STATEMENT WILL EXPIRE IN 02/2004.

SPECIAL MESSAGES:

INPUT CURRENT ADDRESS HAS BEEN USED (003) TIMES IN THE LAST (30) DAYS
ON DIFFERENT INQUIRIES

INPUT SSN HAS BEEN USED (003) TIMES IN THE LAST (30) DAYS ON DIFFERENT
INQUIRIES

SECURITY ALERT OR CONSUMER STATEMENT ON FILE RELATES TO TRUE NAME OR
CREDIT FRAUD

TU0014

REPORT ON SCHMITT, PEGGY, MARIE

PAGE 6 OF 6

SOCIAL SECURITY NUMBER: ████████-9755

TRANS UNION FILE NUMBER: 115763185

IF _____ HAS BEEN A CHANGE IN YOUR CREDIT HISTORY RESULTING FROM OUR INVESTIGATION, OR IF YOU ADD A CONSUMER STATEMENT, YOU MAY REQUEST TRANSUNION TO SEND AN UPDATED REPORT TO THOSE WHO RECEIVED YOUR REPORT WITHIN THE LAST TWO YEARS FOR EMPLOYMENT PURPOSES, OR WITHIN THE LAST ONE YEAR FOR ANY OTHER PURPOSE. IF INTERESTED, YOU MAY ALSO REQUEST A DESCRIPTION OF HOW THE INVESTIGATION WAS CONDUCTED ALONG WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANYONE CONTACTED FOR INFORMATION.

SHOULD YOU WISH TO CONTACT TRANSUNION, YOU MAY DO SO,

AT OUR WEB SITE:

WWW.TRANSUNION.COM/INVESTIGATE

BY MAIL:

TRANSUNION CONSUMER RELATIONS

P.O. BOX 2000

CHESTER, PA 19022-2000

BY PHONE:

1-800-916-8800

OUR BUSINESS HOURS IN YOUR TIME ZONE ARE:

8:30 A.M. TO 4:30 P.M., MONDAY-FRIDAY, EXCEPT MAJOR HOLIDAYS.

PLEASE HAVE YOUR TRANSUNION FILE NUMBER LOCATED AT THE TOP OF THIS PAGE AVAILABLE.

TU0015

LOC. 03
RPT-ID: KKAVER500-1

TRANS UNION CORPORATION
CONSUMER RELATIONS
ACDV3 RESPONSES THAT WERE AUTO UPDATED

DATE: 03/21/03 TIME: 05:53
PAGE: 9941

PT: N

SUBSCRIBER RESPONSE DATE: 03/20/03

CONTROL: 115763185 005 01 A

MA/SM: 0103 SUB LOC: 001

TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 03/21/03

DATE ENTERED: 03/14/03

DATE RECD: 03/12/03

NAME: SCHMITT, PEGGY MARIE
AKA:
ADDR: 3107 NE ULYSSES ST
MINNEAPOLIS, MN 55418
PREV: 3522 S 37TH AV
MINNEAPOLIS, MN 55406

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

(S) NAME:

AKA:

(S) ADDR:

(U) PREV:

SSN: -9755

(S) SSN:

DOB: 10/01/63

(U) DOB:

PHONE: 000-788-1404

(U) PHONE:

CONSUMER Belongs to another individual with same/similar name. Provide complete ID (incl'd SSN, DOB, Generation code, etc).

STATES

COMMENTS

VERIFIED	SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
AS	ACCOUNT NUMBER	CREDIT LIMIT	TERMS	LAST PYMT	DT 1ST DEL			HISTORY		ECOA
	TYPE LOAN	COLLATERAL		SP.COMMENTS/STATUS/REMARKS	CLOSED					
PTED: X	FIRST USA BANK	1B68010	11/95	03/03	\$194	\$0	\$5211	111111111111	R	01
	'8870	\$22000	MIN10					111111111111		X
	CREDIT CARD			DEC - DECEASED				111111111111		
								111111111111		

CHANGE 03/03
DATA AS
SHOWN :

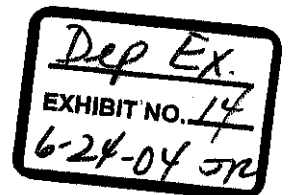
RESPONSE CODES: 01 ACCOUNT INFORMATION ACCURATE AS OF DATE REPORTED

CONSUMER MESSAGE:

AUTHORIZED PHONE/NAME: 302-985-7143 - DEBBIE JONES

ACCT	PAYMENT	SPECIAL	COMPLIANCE	CONSUMER	MOP	REMARKS
STATUS	RATING	COMMENT CD	CONDITION CD	INFORMATION IND	CODE	CODE
SENT 11					01	DEC
RECEIVED					01	DEC

VERIFICATION FLAGS	FIRST NAME (S)	MIDDLE NAME (S)	LAST NAME (S)	PREFIX SUFFIX	RESULT (S)



TU0026